THE STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

O R D E R

Pursuant to Part II, Article 73-a of the New Hampshire Constitution and Supreme Court Rule 51, the Supreme Court of New Hampshire adopts the following amendments to court rules.

I. Supreme Court Rules and Forms

1. Amendments to Supreme Court Rule 3, regarding definitions, and adoption of said rule on a permanent basis, as set forth in Appendix A.

2. Amendments to Supreme Court Rule 5, regarding docketing the case and filing the record, and adoption of said rule on a permanent basis, as set forth in Appendix B.

3. Amendments to Supreme Court Rule 6, regarding form of cases and appendices, and adoption of said rule on a permanent basis, as set forth in Appendix C.

4. Amendments to Supreme Court Rule 7, regarding appeal from trial court decision on the merits, and adoption of said rule on a permanent basis, as set forth in Appendix D.

5. Amendments to Supreme Court Rule 7-A, regarding motions to stay or remand, as set forth in Appendix E.

6. Amendments to Supreme Court Rule 8(1), regarding interlocutory appeals from ruling, as set forth in Appendix F.

7. Amendments to Supreme Court Rule 9, regarding interlocutory transfers without ruling, as set forth in Appendix G.

8. Amendment to Supreme Court Rule 10, regarding appeals from administrative agencies, and adoption of said rule on a permanent basis, as set forth in Appendix H.

9. Amendments to Supreme Court Rule 11, regarding petitions for original jurisdiction, as set forth in Appendix I.

10. Amendments to Supreme Court Rule 12(2), regarding confidentiality of case records and access to case records, as set forth in Appendix J.

11. Amendments to Supreme Court Rule 12-B(1), regarding scheduling orders and prehearing evaluation conferences, as set forth in Appendix K.

12. Repeal of Supreme Court Rule 12-C, regarding judicial referee panels, as set forth in Appendix L.

13. Amendments to Supreme Court Rule 13, regarding the record on appeal, and adoption of said rule on a permanent basis, as set forth in Appendix M.

14. Amendments to Supreme Court Rule 14, regarding transmittal of the record, as set forth in Appendix N.

15. Amendments to Supreme Court Rule 15, regarding transcripts, and adoption of said rule on a permanent basis, as set forth in Appendix O.

16. Amendments to Supreme Court Rule 16, regarding briefs, and adoption of said rule on a permanent basis, as set forth in Appendix P.

17. Amendments to Supreme Court Rule 17, regarding appendices to briefs, and adoption of said rule on a permanent basis, as set forth in Appendix Q.

18. Amendments to Supreme Court Rule 18, regarding oral argument, and adoption of said rule on a permanent basis, as set forth in Appendix R.

19. Amendments to Supreme Court Rule 20, regarding copies of opinions and nonprecedential status of orders, as set forth in Appendix S.

20. Amendments to Supreme Court Rule 21, regarding motions, brief memoranda, and extensions of time to file briefs, and adoption of new paragraph (6-A) on a temporary basis, and adoption of the remainder of Rule 21 on a permanent basis, as set forth in Appendix T.

21. Amendments to Supreme Court Rule 22(2) and 22(5), regarding motions for rehearing or reconsideration, as set forth in Appendix U.

22. Amendments to the title of Supreme Court Rule 23, regarding taxation of costs, waiver and attorney's fees, as set forth in Appendix V.

23. Amendments to Supreme Court Rule 24, regarding mandates, as set forth in Appendix W.

24. Amendments to Supreme Court Rule 25, regarding summary disposition or dismissal, and adoption of said rule on a permanent basis, as set forth in Appendix X.

25. Amendments to Supreme Court Rule 26, regarding filing and service, as set forth in Appendix Y.

26. Amendments to Supreme Court Rule 27, regarding computation and extension of time, as set forth in Appendix Z.

27. Amendments to Supreme Court Rule 28, regarding parties' designations, as set forth in Appendix AA.

28. Amendments to Supreme Court Rule 32, regarding counsel in criminal cases, as set forth in Appendix BB.

29. Amendments to Supreme Court Rule 32-A, regarding counsel in guardianship, involuntary admission, and termination of parental rights cases, as set forth in Appendix CC.

30. Amendments to Supreme Court Rule 33, regarding nonmember of the New Hampshire bar, as set forth in Appendix DD.

31. Adoption of the Rule 7 Notice of Discretionary Appeal form on a permanent basis as set forth in Appendix EE.

32. Adoption of the Rule 7 Notice of Mandatory Appeal form on a permanent basis as set forth in Appendix FF.

33. Adoption of the form for the Outside front cover of cases and briefs on a permanent basis as set forth in Appendix GG.

II. Superior Court Rules (Domestic Relations)

34. Amendments to Superior Court Rule 201, regarding forms for decrees and stipulations, on a temporary basis, as set forth in Appendix HH.

35. Amendments to Superior Court Rule 202, regarding signing of stipulations, on a temporary basis, as set forth in Appendix II.

36. Adoption of new Superior Court Rules 202-A through 202-E, regarding parenting plans, standard orders, and personal date sheets, on a temporary basis, as set forth in Appendix JJ.

Note: To assist the reader in identifying the changes that are being made to existing rules, most appendices set forth two versions of the amended rule. The first version, entitled "Unofficial Annotated Version," highlights the amendments to the rule by placing new material both in **[brackets and in bold-face type]**, and by ~~striking out~~ material that has been deleted from the rule. The second version, entitled "Official Version," sets forth the text of the newly amended rule without annotations.

The amendments to the Superior Court Rules in Appendices HH, II, and JJ shall take effect immediately. All other amendments shall take effect on July 1, 2006. The temporary amendments to Supreme Court Rule 21(6-A) in Appendix T, and the temporary amendments to the Superior Court Rules in Appendices HH, II, and JJ, shall be referred to the Advisory Committee on Rules for its recommendation as to whether they should be adopted on a permanent basis.

Date: May 11, 2006

ATTEST: _____
Eileen Fox, Clerk of Court
Supreme Court of New Hampshire

APPENDIX A

Amend Supreme Court Rule 3 and adopt said rule, as amended, on a permanent basis, as follows:

Unofficial Annotated Version

RULE 3. DEFINITIONS

"Administrative agency": Includes agency, board, commission, or officer.

"Appeal": Appellate review of rulings adverse to a party, after a final decision on the merits in a ~~lower~~ **[trial]** court.

"Appeal document": Includes notice of mandatory appeal (~~rule~~ **[Rule]** 7), notice of discretionary appeal (~~rule~~ **[Rule]** 7), interlocutory appeal (~~rule~~ **[Rule]** 8), interlocutory transfer without ruling (~~rule~~ **[Rule]** 9), appeal from administrative agency by petition (~~rule~~ **[Rule]** 10), and petition for original jurisdiction (~~rule~~ **[Rule]** 11).

"Appeal from administrative agency by petition": Appellate review of a party's grounds for asserting that an administrative agency's final order or decision on the merits is unlawful or unreasonable.

"Briefs":
"Opening brief": The brief filed first pursuant to court order.
"Opposing brief": The brief filed by the opposing party after the filing of the opening brief.
"Reply brief": See ~~rule~~ **[Rule]** 16(7).
"Supplemental brief": See ~~rule~~ **[Rule]**16(7).

"Clerk": Where the context refers to the clerk of a ~~lower~~ **[trial]** court, "clerk" includes a clerk of a ~~lower~~ **[trial]** court, a register of probate, or the administrative agency official who is the equivalent of a clerk of court or who is charged with performing the duties associated with a clerk of court, and their respective assistants and deputies; where the context refers to the clerk of the supreme court, "clerk" includes his or her assistants and deputies.

"Decision on the merits": Includes order, verdict, opinion, decree, or sentence following a hearing on the merits or trial on the merits and the decision on motions made after such order, verdict, opinion, decree or sentence.

Untimely filed post-trial motions will not stay the running of the appeal period unless the ~~lower~~ **[trial]** court waives the untimeliness within the appeal period.

"Declination of acceptance order": The supreme court does not deem it desirable to review the issues in a case, as a matter of sound judicial discretion and with no implication whatever regarding its views on the merits.

"First class mail": First class postage prepaid, whether certified, registered, uncertified, or unregistered.

"Interlocutory appeal": Appellate review of rulings adverse to a party, before a final decision on the merits in a ~~lower~~ **[trial]** court.

"Interlocutory transfer without ruling": Appellate review of questions of law transferred by a ~~lower~~ **[trial]** court or administrative agency before a final decision on the merits in the ~~lower~~ **[trial]** court or administrative agency and without ruling by the ~~lower~~ **[trial]** court or administrative agency.

"Mandatory appeal": A mandatory appeal shall be accepted by the supreme court for review on the merits. A mandatory appeal is an appeal filed by the State pursuant to RSA 606:10, or an appeal from a final decision on the merits issued by a superior court, district court, probate court, or family division court, that is in compliance with these rules**[.]** ~~, other than the following:~~ **[Provided, however, that the following appeals are <u>NOT</u> mandatory appeals:]**

(1) an appeal from a final decision on the merits issued in a post-conviction review proceeding (including petitions for writ of habeas corpus and motions for new trial);

(2) an appeal from a final decision on the merits issued in a collateral challenge to any conviction or sentence;

(3) an appeal from a final decision on the merits issued in a sentence modification or suspension proceeding;

(4) an appeal from a final decision on the merits issued in an imposition of sentence proceeding;

(5) an appeal from a final decision on the merits issued in a parole revocation proceeding;

(6) an appeal from a final decision on the merits issued in a probation revocation proceeding; ~~and~~

(7) an appeal from a final decision on the merits issued in a landlord/tenant action filed under RSA chapter 540 or in a possessory action filed under RSA chapter 540~~.~~ **[; and**

(8) an appeal from an order denying a motion to intervene.]

Comment

~~The amendment to this rule that added paragraph (7) above shall apply to any appeal of a landlord-tenant or possessory action under RSA chapter 540 in which the notice of appeal is docketed in the supreme court on or after October 15, 2005.~~

[A trial court order denying a motion by a non-party to intervene in a trial court proceeding is treated as a "final decision on the merits" for purposes of appeal. Thus, such an order is immediately appealable to the supreme court. Pursuant to this rule, however, such an appeal is not a mandatory appeal. Therefore, a non-party who wishes to appeal the trial court's denial of the non-party's motion to intervene must file an appeal pursuant to Rule 7(1)(B) within the time allowed for appeal under that rule.]

"Moving party": The plaintiff in an interlocutory transfer, the party appealing by appeal or by interlocutory appeal, or the party petitioning that the supreme court exercise its original jurisdiction.

"Notice of appeal": The notice filed to initiate an appeal from the ~~lower~~ **[trial]** court's final decision on the merits, in the form prescribed by these rules.

"Petition for original jurisdiction": Request that the supreme court exercise its original jurisdiction, whether exclusive or nonexclusive and whether in aid of its appellate jurisdiction or its supervisory jurisdiction, and that the court issue an extraordinary writ or grant other suitable relief.

"Trial court reporter": ~~Lower~~ **[Trial]** court or administrative agency reporter.

~~Transition Period~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

Official Version

RULE 3. DEFINITIONS

"Administrative agency": Includes agency, board, commission, or officer.

"Appeal": Appellate review of rulings adverse to a party, after a final decision on the merits in a trial court.

"Appeal document": Includes notice of mandatory appeal (Rule 7), notice of discretionary appeal (Rule 7), interlocutory appeal (Rule 8), interlocutory transfer without ruling (Rule 9), appeal from administrative agency by petition (Rule 10), and petition for original jurisdiction (Rule 11).

"Appeal from administrative agency by petition": Appellate review of a party's grounds for asserting that an administrative agency's final order or decision on the merits is unlawful or unreasonable.

"Briefs":
- "Opening brief": The brief filed first pursuant to court order.
- "Opposing brief": The brief filed by the opposing party after the filing of the opening brief.
- "Reply brief": See Rule 16(7).
- "Supplemental brief": See Rule 16(7).

"Clerk": Where the context refers to the clerk of a trial court, "clerk" includes a clerk of a trial court, a register of probate, or the administrative agency official who is the equivalent of a clerk of court or who is charged with performing the duties associated with a clerk of court, and their respective assistants and deputies; where the context refers to the clerk of the supreme court, "clerk" includes his or her assistants and deputies.

"Decision on the merits": Includes order, verdict, opinion, decree, or sentence following a hearing on the merits or trial on the merits and the decision on motions made after such order, verdict, opinion, decree or sentence. Untimely filed post-trial motions will not stay the running of the appeal period unless the trial court waives the untimeliness within the appeal period.

"Declination of acceptance order": The supreme court does not deem it desirable to review the issues in a case, as a matter of sound judicial discretion and with no implication whatever regarding its views on the merits.

"First class mail": First class postage prepaid, whether certified, registered, uncertified, or unregistered.

"Interlocutory appeal": Appellate review of rulings adverse to a party, before a final decision on the merits in a trial court.

"Interlocutory transfer without ruling": Appellate review of questions of law transferred by a trial court or administrative agency before a final decision on the merits in the trial court or administrative agency and without ruling by the trial court or administrative agency.

"Mandatory appeal": A mandatory appeal shall be accepted by the supreme court for review on the merits. A mandatory appeal is an appeal filed by the State pursuant to RSA 606:10, or an appeal from a final decision on the merits issued by a superior court, district court, probate court, or family division court, that is in compliance with these rules. Provided, however, that the following appeals are NOT mandatory appeals:

(1) an appeal from a final decision on the merits issued in a post-conviction review proceeding (including petitions for writ of habeas corpus and motions for new trial);

(2) an appeal from a final decision on the merits issued in a collateral challenge to any conviction or sentence;

(3) an appeal from a final decision on the merits issued in a sentence modification or suspension proceeding;

(4) an appeal from a final decision on the merits issued in an imposition of sentence proceeding;

(5) an appeal from a final decision on the merits issued in a parole revocation proceeding;

(6) an appeal from a final decision on the merits issued in a probation revocation proceeding;

(7) an appeal from a final decision on the merits issued in a landlord/tenant action filed under RSA chapter 540 or in a possessory action filed under RSA chapter 540; and

(8) an appeal from an order denying a motion to intervene.

Comment

A trial court order denying a motion by a non-party to intervene in a trial court proceeding is treated as a "final decision on the merits" for purposes of appeal. Thus, such an order is immediately appealable to the supreme court. Pursuant to this rule, however, such an appeal is not a mandatory appeal. Therefore, a non-party who wishes to appeal the trial court's denial of the non-party's motion to intervene must file an appeal pursuant to Rule 7(1)(B) within the time allowed for appeal under that rule.

"Moving party": The plaintiff in an interlocutory transfer, the party appealing by appeal or by interlocutory appeal, or the party petitioning that the supreme court exercise its original jurisdiction.

"Notice of appeal": The notice filed to initiate an appeal from the trial court's final decision on the merits, in the form prescribed by these rules.

"Petition for original jurisdiction": Request that the supreme court exercise its original jurisdiction, whether exclusive or nonexclusive and whether in aid of its appellate jurisdiction or its supervisory jurisdiction, and that the court issue an extraordinary writ or grant other suitable relief.

"Trial court reporter": Trial court or administrative agency reporter.

APPENDIX B

Amend Supreme Court Rule 5 and adopt said rule, as amended, on a permanent basis, as follows:

Unofficial Annotated Version

RULE 5. DOCKETING THE CASE: FILING THE RECORD

(1) ~~In an interlocutory appeal from a ruling and in an appeal from an administrative agency by petition, the party appealing, and in an interlocutory transfer without ruling and in a petition requesting the supreme court to exercise its original jurisdiction, the plaintiff shall pay the entry fee prescribed by the supreme court and shall simultaneously file the original and 12 copies of the required forms in the office of the clerk of this court, 1 copy with each of the parties, and 2 (where appropriate, 3) copies with the office of the clerk of the court or agency from which the appeal or transfer is taken (including a register of probate), 1 each of which copies shall be furnished to the trial judge and master by that clerk.~~

In an appeal from a ~~lower~~ **[trial]** court decision on the merits pursuant to Rule 7 ~~other than a mandatory appeal~~, the party appealing shall pay the entry fee prescribed by the supreme court and, unless differently provided by law, shall simultaneously file the original and ~~12~~ **[8]** copies of the notice of appeal and of the attachments mentioned on the applicable notice of appeal form, in the office of the clerk of this court, 1 copy with each of the parties, and 2 (or where appropriate, 3) copies with the office of the clerk of the court from which the appeal is taken (including a register of probate). The ~~latter~~ clerk **[of the trial court]** shall provide a copy to the judge and master.

[In an interlocutory appeal from a ruling and in an appeal from an administrative agency by petition, the party appealing, and in an interlocutory transfer without ruling and in a petition requesting the supreme court to exercise its original jurisdiction, the plaintiff shall pay the entry fee prescribed by the supreme court and shall simultaneously file the original and 8 copies of the required forms in the office of the clerk of this court, 1 copy with each of the parties, and 2 (where appropriate, 3) copies with the office of the clerk of the court or agency from which the appeal or transfer is taken (including a register of probate). The clerk of the trial court shall provide a copy to the judge and master.]

~~In a mandatory appeal from a lower court decision on the merits pursuant to rule 7, the party appealing shall pay the entry fee prescribed by~~

~~the supreme court and, unless differently provided by law, shall simultaneously file the original and 3 copies of the notice of appeal and the attachments mentioned on the applicable notice of appeal form in the office of the clerk of this court, 1 copy with each of the parties, and 2 (or where appropriate, 3) copies with the office of the clerk of the court from which the appeal is taken (including a register of probate). The latter clerk shall provide a copy to the judge and master.~~

In all criminal appeals and appeals from an administrative agency, the appealing party shall simultaneously file 1 copy of the notice of appeal with the attorney general.

A cross-appeal by another party shall be docketed in the same manner, accompanied by the required entry fee, subject to ~~rule~~ **[Rule]** 7(5) or ~~rule~~ **[Rule]** 10(9).

A motion to extend time to file an appeal document, when not accompanied by the appeal document, shall be docketed upon the filing of an original and 7 copies of the motion, accompanied by the required entry fee. The moving party shall simultaneously file 1 copy with each of the parties, 1 copy with the office of the clerk of the court or agency from which the appeal or transfer is taken, and (in the case of a criminal appeal or an appeal from an administrative agency) 1 copy with the attorney general. A motion to extend time to file an appeal shall be granted only in exceptional circumstances. *See* Rule 21(6).

(2) The court may upon motion waive payment of the entry fee in exceptional circumstances. Such motion shall be filed at the same time the notice of appeal or other appeal form is filed.

In any criminal case where the defendant is indigent and wishes to have counsel appointed to represent him, a petition for assignment of counsel or for continued assignment of counsel and supporting affidavit of indigency shall be filed in this court at the same time the notice of appeal is filed. It is essential that ~~rule~~ **[Rule]** 32 be complied with.

(3) A case may be docketed under the title given to it in the ~~lower~~ **[trial]** court or administrative agency from which the case is transferred, or the supreme court may process and report the case under a new name or names.

(4) If the moving party shall fail to cause timely docketing of the case, in accordance with the requirements of these rules, or transmission of the record or to pay the entry fee, if one is required, the case shall be dismissed.

(5) Any person not complying with Supreme Court procedural rules may be assessed any postage or copying costs incurred by the clerk's office in obtaining compliance with these procedural rules.

~~**Transition Period**~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

Official Version

RULE 5. DOCKETING THE CASE: FILING THE RECORD

(1) In an appeal from a trial court decision on the merits pursuant to Rule 7, the party appealing shall pay the entry fee prescribed by the supreme court and, unless differently provided by law, shall simultaneously file the original and 8 copies of the notice of appeal and of the attachments mentioned on the applicable notice of appeal form, in the office of the clerk of this court, 1 copy with each of the parties, and 2 (or where appropriate, 3) copies with the office of the clerk of the court from which the appeal is taken (including a register of probate). The clerk of the trial court shall provide a copy to the judge and master.

In an interlocutory appeal from a ruling and in an appeal from an administrative agency by petition, the party appealing, and in an interlocutory transfer without ruling and in a petition requesting the supreme court to exercise its original jurisdiction, the plaintiff shall pay the entry fee prescribed by the supreme court and shall simultaneously file the original and 8 copies of the required forms in the office of the clerk of this court, 1 copy with each of the parties, and 2 (where appropriate, 3) copies with the office of the clerk of the court or agency from which the appeal or transfer is taken (including a register of probate). The clerk of the trial court shall provide a copy to the judge and master.

In all criminal appeals and appeals from an administrative agency, the appealing party shall simultaneously file 1 copy of the notice of appeal with the attorney general.

A cross-appeal by another party shall be docketed in the same manner, accompanied by the required entry fee, subject to Rule 7(5) or Rule 10(9).

A motion to extend time to file an appeal document, when not accompanied by the appeal document, shall be docketed upon the filing of an original and 7 copies of the motion, accompanied by the required entry fee. The moving party shall simultaneously file 1 copy with each of the parties, 1 copy with the office of the clerk of the court or agency from which the appeal or transfer is taken, and (in the case of a criminal appeal or an appeal from an administrative agency) 1 copy with the attorney general. A motion to extend time to file an appeal shall be granted only in exceptional circumstances. *See* Rule 21(6).

(2) The court may upon motion waive payment of the entry fee in exceptional circumstances. Such motion shall be filed at the same time the notice of appeal or other appeal form is filed.

In any criminal case where the defendant is indigent and wishes to have counsel appointed to represent him, a petition for assignment of counsel or for continued assignment of counsel and supporting affidavit of indigency shall be filed in this court at the same time the notice of appeal is filed. It is essential that Rule 32 be complied with.

(3) A case may be docketed under the title given to it in the trial court or administrative agency from which the case is transferred, or the supreme court may process and report the case under a new name or names.

(4) If the moving party shall fail to cause timely docketing of the case, in accordance with the requirements of these rules, or transmission of the record or to pay the entry fee, if one is required, the case shall be dismissed.

(5) Any person not complying with Supreme Court procedural rules may be assessed any postage or copying costs incurred by the clerk's office in obtaining compliance with these procedural rules.

APPENDIX C

Amend Supreme Court Rule 6 and adopt said rule, as amended, on a permanent basis, as follows:

Unofficial Annotated Version

RULE 6. FORM OF CASES AND APPENDICES

(1) Filings of cases and appendices may be prepared using a printing, duplicating or copying process capable of producing a clear letter quality black image on white paper, but shall not include ordinary carbon copies. If timely filings do not conform to this rule or are not clearly legible, the clerk of the court may require that new copies be substituted, but the filings shall not thereby be deemed untimely.

(2) Each filing of a case in a mandatory appeal shall be upon good quality, nonclinging paper 8 ½ by 11 inches in size, but the mandatory notice of appeal need not be in pamphlet form, need not have covers, and need not be bound along the left margin.

Each filing of a case and appendix in any case other than a mandatory appeal shall be in pamphlet form upon good quality, nonclinging paper 8 ½ by 11 inches in size, with front and back covers of durable quality. Each shall have a minimum margin of one inch on the binding side and shall be firmly bound along the left margin. Any metal or plastic spines, fasteners, or staples shall be flush with the covers and shall be covered by tape. The covers shall be flush with the pages of the case. The court will not accept any other method of binding unless prior approval has been obtained from the clerk of the supreme court.

(3) The front cover of the filing of a case and of the appendix, if the appendix is separately produced, shall contain: (1) The name of this court; (2) The docket number, after one has been assigned; (3) The title of the case; (4) The nature of the proceeding in this court, *e.g.*, appeal by petition; and (5) The names and addresses of counsel for the party filing the case. *See* form in appendix to these rules.

(4) Whenever the pertinent text of constitutions, statutes, ordinances, rules, regulations, insurance policies, contracts or other documents is to be set forth in an appendix, it need not be typewritten, but may be produced by an easily readable duplicating or dry copying process.

(5) Each request for findings of fact and rulings of law set forth in a notice of appeal or appendix shall indicate on the margin whether they have been "granted," "denied" or "not ruled upon" by the master or the court.

~~**Transition Period**~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

Official Version

RULE 6. FORM OF CASES AND APPENDICES

(1) Filings of cases and appendices may be prepared using a printing, duplicating or copying process capable of producing a clear letter quality black image on white paper, but shall not include ordinary carbon copies. If timely filings do not conform to this rule or are not clearly legible, the clerk of the court may require that new copies be substituted, but the filings shall not thereby be deemed untimely.

(2) Each filing of a case in a mandatory appeal shall be upon good quality, nonclinging paper 8 ½ by 11 inches in size, but the mandatory notice of appeal need not be in pamphlet form, need not have covers, and need not be bound along the left margin.

Each filing of a case and appendix in any case other than a mandatory appeal shall be in pamphlet form upon good quality, nonclinging paper 8 ½ by 11 inches in size, with front and back covers of durable quality. Each shall have a minimum margin of one inch on the binding side and shall be firmly bound along the left margin. Any metal or plastic spines, fasteners, or staples shall be flush with the covers and shall be covered by tape. The covers shall be flush with the pages of the case. The court will not accept any other method of binding unless prior approval has been obtained from the clerk of the supreme court.

(3) The front cover of the filing of a case and of the appendix, if the appendix is separately produced, shall contain: (1) The name of this court; (2) The docket number, after one has been assigned; (3) The title of the case; (4) The nature of the proceeding in this court, *e.g.*, appeal by petition; and (5) The names and addresses of counsel for the party filing the case. *See* form in appendix to these rules.

(4) Whenever the pertinent text of constitutions, statutes, ordinances, rules, regulations, insurance policies, contracts or other documents is to be set forth in an appendix, it need not be typewritten, but may be produced by an easily readable duplicating or dry copying process.

(5) Each request for findings of fact and rulings of law set forth in a notice of appeal or appendix shall indicate on the margin whether they have been "granted," "denied" or "not ruled upon" by the master or the court.

APPENDIX D

Amend Supreme Court Rule 7 and adopt said rule, as amended, on a permanent basis, as follows:

Unofficial Annotated Version

RULE 7. APPEAL FROM LOWER COURT DECISION ON THE MERITS

(1)(A) *Mandatory appeals.*

Unless otherwise provided by law or by these rules, a mandatory appeal shall be by notice of appeal in the form of notice of appeal approved by the supreme court for the filing of a mandatory appeal. The form of notice of appeal for the filing of a mandatory appeal appears in the appendix to these rules ("Notice of Mandatory Appeal" form). Such an appeal shall be filed by the moving party within 30 days from the date on the clerk's written notice of the decision on the merits.

(B) *Other appeals from ~~lower~~ **[trial]** court decisions on the merits.*

The supreme court may, in its discretion, decline to accept an appeal, other than a mandatory appeal, or any question raised therein, from a ~~lower~~ **[trial]** court after a decision on the merits, or may summarily dispose of such an appeal, or any question raised therein, as provided in ~~rule~~ **[Rule]** 25. Unless otherwise provided by law or by these rules, an appeal from a ~~lower~~ **[trial]** court decision on the merits other than a mandatory appeal shall be by notice of appeal in the form of notice of appeal approved by the supreme court for the filing of such an appeal. The form of notice of appeal for the filing of an appeal from a ~~lower~~ **[trial]** court decision on the merits other than a mandatory appeal appears in the appendix to these rules ("Notice of Discretionary Appeal" form). Such an appeal shall be filed by the moving party within 30 days from the date on the clerk's written notice of the decision on the merits.

(C) The definition of "decision on the merits" in ~~rule~~ **[Rule]** 3 includes decisions on motions made after an order, verdict, opinion, decree or sentence. A timely filed post-trial motion stays the running of the appeal period for all parties to the case in the ~~lower~~ **[trial]** court including those not filing the motion. Untimely filed post-trial motions will not stay the running of the appeal period unless the ~~lower~~ **[trial]** court waives the untimeliness within the appeal period. Successive post-trial motions will not stay the running of the appeal period. *See Petition of Ellis*, 138 N.H. 159 (1993).

In criminal appeals, the time for filing a notice of appeal shall be within 30 days from the date of sentencing or the date of the clerk's written notice of disposition of post-trial motions, whichever is later, provided, however, that the date of the clerk's written notice of disposition of post-trial motion shall not be used to calculate the time for filing a notice of appeal in criminal cases if the post-trial motion was filed more than 10 days after sentencing.

(2) An appeal shall be deemed filed when the original and all copies of the notice of appeal in proper form, together with the filing fee, are received by the clerk of this court within 30 days from the date on the clerk's written notice of the decision.

(3) An appeal permitted by law on a different form and by a different procedure shall be deemed timely filed when it is received by the clerk of this court on the form and by the procedure prescribed by law.

(4) All parties to the proceedings in the court from whose decision on the merits the appeal is being taken shall be deemed parties in this court, unless the moving party shall notify the clerk of this court in writing of his belief that one or more of the parties below has no interest in the outcome of the transfer. The moving party shall mail a copy of the letter first class, or give a copy, to each party in the proceeding below. A party thus designated as no longer interested may remain a party in this court by notifying the clerk of this court, with notice mailed first class or given to the other parties, that he has an interest in the transfer. Parties supporting the position of the moving party shall meet the time schedule provided for that party.

(5) If a timely notice of appeal is filed by a party, any other party may file a notice of cross-appeal within 10 days from the date on which the first notice of appeal was filed and shall pay a filing fee therewith.

(6)(A) The appealing party in a mandatory appeal shall attach to the notice of appeal the decision below, the clerk's written notice of the decision below, any order disposing of a timely-filed post-trial motion, and the clerk's written notice of any order disposing of a timely-filed post-trial motion.

(B) The appealing party in an appeal other than a mandatory appeal shall attach to the notice of appeal the decision below, the clerk's written notice of the decision below, any order disposing of a timely-filed post-trial motion, and the clerk's written notice of any order disposing of a timely-filed post-trial motion. Any other pleadings and documents that the appealing party believes are necessary for the court to evaluate the specific questions raised on appeal and to determine whether the appeal is timely filed shall be filed as a separate appendix. The appendix shall contain a table of contents referring to numbered pages, and ~~only~~ 8 copies shall be filed. Note: *Also see* ~~rule~~ **[Rule]** 26(5). If a

ground for appeal is the legal sufficiency of the evidence, the question in the notice of appeal form raising that ground shall contain a succinct statement of why the evidence is alleged to be insufficient as a matter of law.

~~**Transition Period**~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

Official Version

RULE 7. APPEAL FROM LOWER COURT DECISION ON THE MERITS

(1)(A) *Mandatory appeals*.

Unless otherwise provided by law or by these rules, a mandatory appeal shall be by notice of appeal in the form of notice of appeal approved by the supreme court for the filing of a mandatory appeal. The form of notice of appeal for the filing of a mandatory appeal appears in the appendix to these rules ("Notice of Mandatory Appeal" form). Such an appeal shall be filed by the moving party within 30 days from the date on the clerk's written notice of the decision on the merits.

(B) *Other appeals from trial court decisions on the merits*.

The supreme court may, in its discretion, decline to accept an appeal, other than a mandatory appeal, or any question raised therein, from a trial court after a decision on the merits, or may summarily dispose of such an appeal, or any question raised therein, as provided in Rule 25. Unless otherwise provided by law or by these rules, an appeal from a trial court decision on the merits other than a mandatory appeal shall be by notice of appeal in the form of notice of appeal approved by the supreme court for the filing of such an appeal. The form of notice of appeal for the filing of an appeal from a trial court decision on the merits other than a mandatory appeal appears in the appendix to these rules ("Notice of Discretionary Appeal" form). Such an appeal shall be filed by the moving party within 30 days from the date on the clerk's written notice of the decision on the merits.

(C) The definition of "decision on the merits" in Rule 3 includes decisions on motions made after an order, verdict, opinion, decree or sentence. A timely filed post-trial motion stays the running of the appeal period for all parties to the case in the trial court including those not filing the motion. Untimely filed post-trial motions will not stay the running of the appeal period unless the trial court waives the untimeliness within the appeal period. Successive post-trial

motions will not stay the running of the appeal period. *See Petition of Ellis*, 138 N.H. 159 (1993).

In criminal appeals, the time for filing a notice of appeal shall be within 30 days from the date of sentencing or the date of the clerk's written notice of disposition of post-trial motions, whichever is later, provided, however, that the date of the clerk's written notice of disposition of post-trial motion shall not be used to calculate the time for filing a notice of appeal in criminal cases if the post-trial motion was filed more than 10 days after sentencing.

(2) An appeal shall be deemed filed when the original and all copies of the notice of appeal in proper form, together with the filing fee, are received by the clerk of this court within 30 days from the date on the clerk's written notice of the decision.

(3) An appeal permitted by law on a different form and by a different procedure shall be deemed timely filed when it is received by the clerk of this court on the form and by the procedure prescribed by law.

(4) All parties to the proceedings in the court from whose decision on the merits the appeal is being taken shall be deemed parties in this court, unless the moving party shall notify the clerk of this court in writing of his belief that one or more of the parties below has no interest in the outcome of the transfer. The moving party shall mail a copy of the letter first class, or give a copy, to each party in the proceeding below. A party thus designated as no longer interested may remain a party in this court by notifying the clerk of this court, with notice mailed first class or given to the other parties, that he has an interest in the transfer. Parties supporting the position of the moving party shall meet the time schedule provided for that party.

(5) If a timely notice of appeal is filed by a party, any other party may file a notice of cross-appeal within 10 days from the date on which the first notice of appeal was filed and shall pay a filing fee therewith.

(6)(A) The appealing party in a mandatory appeal shall attach to the notice of appeal the decision below, the clerk's written notice of the decision below, any order disposing of a timely-filed post-trial motion, and the clerk's written notice of any order disposing of a timely-filed post-trial motion.

(B) The appealing party in an appeal other than a mandatory appeal shall attach to the notice of appeal the decision below, the clerk's written notice of the decision below, any order disposing of a timely-filed post-trial motion, and the clerk's written notice of any order disposing of a timely-filed post-trial motion. Any other pleadings and documents that the appealing party believes are necessary for the court to evaluate the specific questions raised on appeal

and to determine whether the appeal is timely filed shall be filed as a separate appendix. The appendix shall contain a table of contents referring to numbered pages, and 8 copies shall be filed. Note: *Also see* Rule 26(5). If a ground for appeal is the legal sufficiency of the evidence, the question in the notice of appeal form raising that ground shall contain a succinct statement of why the evidence is alleged to be insufficient as a matter of law.

APPENDIX E

Adopt Supreme Court Rule 7-A on a permanent basis, as follows:

Official Version

RULE 7-A. MOTION TO STAY OR FOR REMAND

(1) A motion to stay an order or judgment of a lower tribunal shall not be filed in this court unless the movant has first unsuccessfully sought similar relief from the lower tribunal. This requirement may be waived by the court upon motion in extraordinary circumstances. Any motion to stay shall be accompanied by a copy of the request for similar relief filed with the lower tribunal, any objection filed thereto, and the lower tribunal's order denying such relief. In addition, any motion to stay shall be accompanied by a copy of the order or judgment which the motion seeks to have stayed.

(2) A motion for remand or partial remand shall be accompanied by a copy of the pleading(s) that the movant intends to file with the lower tribunal if the motion is granted. Unless the court orders otherwise, the grant of a partial remand shall not stay the proceedings in this court.

Comment

Perfection of an appeal vests exclusive jurisdiction in the supreme court over those matters arising out of, and directly related to, the issues presented by the appeal. See Rautenberg v. Munnis, 107 N.H. 446, 447 (1966). The trial court is not in a position to act on such matters while an appeal is pending unless the case is remanded for that purpose. See id. at 448. Rautenberg also recognized, however, that the trial court is not prohibited from passing on collateral, subsidiary or independent matters affecting the case and the trial court has adequate authority and jurisdiction to preserve the status quo. See id.

In addition, Superior Court Rule 74 provides that a decree does not go to final judgment if a timely appeal is taken to the supreme court. See Rollins v. Rollins, 122 N.H. 6, 9 (1982). Thus, in an appeal from a divorce decree, for example, a timely appeal will prevent the trial court's final decree from going into effect, and the temporary decree would remain in effect while the appeal is pending. See id. at 10. Rollins also recognized, however, that the trial judge has the authority to order that the final decree, at least in part, is to be in effect while the appeal was pending, and that an appellant's only recourse in such a case was to obtain a stay of that order in the trial court or the supreme court. See id. (final decree as to level of child support held to be in effect while appeal was pending); Nicolazzi v. Nicolazzi, 131 N.H. 694, 696 (1989) (acknowledging trial court's discretion to set levels of alimony and child support to be paid during appeal).

This rule is intended to: (1) provide a procedural mechanism for requesting a stay of the judgment of a lower tribunal that is not stayed by the filing of a timely appeal; and (2) provide a procedural mechanism for requesting a remand or partial remand to a lower tribunal when necessary to allow the lower tribunal to act upon a matter that is not a collateral, subsidiary or independent matter affecting the case.

APPENDIX F

Amend Supreme Court Rule 8 as follows:

Unofficial Annotated Version

RULE 8. INTERLOCUTORY APPEAL FROM RULING

(1) The supreme court may, in its discretion, decline to accept an interlocutory appeal, or any question raised therein, from a ~~lower~~ **[trial]** court order or ruling. The interlocutory appeal statement shall contain (a) a list of all parties of record and their counsel, and the addresses of all parties and counsel; (b) a statement of the facts necessary to an understanding of the controlling question of law as determined by the order or ruling of the ~~lower~~ **[trial]** court, and a statement as to whether any transcript ~~would~~ **[will]** be necessary to decide the question **[if the interlocutory appeal is accepted by the court]**; (c) a statement of the question itself; (d) a statement of the reasons why a substantial basis exists for a difference of opinion on the question and why an interlocutory appeal may materially advance the termination or clarify further proceedings of the litigation, protect a party from substantial and irreparable injury, or present the opportunity to decide, modify or clarify an issue of general importance in the administration of justice; and (e) the signature of the ~~lower~~ **[trial]** court transferring the question. **[In addition, if a transcript will be necessary to decide the question if the interlocutory appeal is accepted by the court, then the interlocutory appeal statement shall also contain a Transcript Order Form. (The Transcript Order Form appears as part of the two Notice of Appeal Forms that may be found in the appendix to these rules.)]**

(2) The interlocutory appeal statement shall have annexed to it a copy of the order or ruling from which interlocutory appeal is sought, a copy of any findings of fact and rulings of law relating to the order or ruling, and a copy of the pertinent text of the constitutions, statutes, ordinances, rules, regulations, insurance policies, contracts, or other documents involved in the case. If any documents are annexed to the interlocutory appeal statement, then the interlocutory appeal statement shall contain a table of contents. If a copy of the pertinent text of the constitutions, statutes and other documents aggregates more than 5 pages, it may instead be filed as a separate appendix, including a table of contents referring to numbered pages, and ~~only~~ 8 copies shall be filed. Note: *Also see* ~~rule~~ **[Rule]** 26(5).

(3) The moving party shall file the original and ~~12~~ **[8]** copies of the interlocutory appeal statement, accompanied by the required filing fee, within

10 days from the date on the ~~lower~~ **[trial]** court's written notice to the parties that the ~~lower~~ **[trial]** court has signed the interlocutory appeal statement.

(4) The supreme court's refusal to accept an interlocutory appeal shall be without prejudice to any challenge to the ~~lower~~ **[trial]** court's order or ruling in a subsequent appeal pursuant to ~~rule~~ **[Rule]** 7.

Official Version

RULE 8. INTERLOCUTORY APPEAL FROM RULING

(1) The supreme court may, in its discretion, decline to accept an interlocutory appeal, or any question raised therein, from a trial court order or ruling. The interlocutory appeal statement shall contain (a) a list of all parties of record and their counsel, and the addresses of all parties and counsel; (b) a statement of the facts necessary to an understanding of the controlling question of law as determined by the order or ruling of the trial court, and a statement as to whether any transcript will be necessary to decide the question if the interlocutory appeal is accepted by the court; (c) a statement of the question itself; (d) a statement of the reasons why a substantial basis exists for a difference of opinion on the question and why an interlocutory appeal may materially advance the termination or clarify further proceedings of the litigation, protect a party from substantial and irreparable injury, or present the opportunity to decide, modify or clarify an issue of general importance in the administration of justice; and (e) the signature of the trial court transferring the question. In addition, if a transcript will be necessary to decide the question if the interlocutory appeal is accepted by the court, then the interlocutory appeal statement shall also contain a Transcript Order Form. (The Transcript Order Form appears as part of the two Notice of Appeal Forms that may be found in the appendix to these rules.)

(2) The interlocutory appeal statement shall have annexed to it a copy of the order or ruling from which interlocutory appeal is sought, a copy of any findings of fact and rulings of law relating to the order or ruling, and a copy of the pertinent text of the constitutions, statutes, ordinances, rules, regulations, insurance policies, contracts, or other documents involved in the case. If any documents are annexed to the interlocutory appeal statement, then the interlocutory appeal statement shall contain a table of contents. If a copy of the pertinent text of the constitutions, statutes and other documents aggregates more than 5 pages, it may instead be filed as a separate appendix, including a table of contents referring to numbered pages, and 8 copies shall be filed. Note: *Also see* Rule 26(5).

(3) The moving party shall file the original and 8 copies of the interlocutory appeal statement, accompanied by the required filing fee, within 10 days from the date on the trial court's written notice to the parties that the trial court has signed the interlocutory appeal statement.

(4) The supreme court's refusal to accept an interlocutory appeal shall be without prejudice to any challenge to the trial court's order or ruling in a subsequent appeal pursuant to Rule 7.

APPENDIX G

Amend Supreme Court Rule 9 as follows:

Unofficial Annotated Version

RULE 9. INTERLOCUTORY TRANSFER WITHOUT RULING

(1) The supreme court may, in its discretion, decline to accept an interlocutory transfer of a question of law without ruling by a ~~lower~~ **[trial]** court or by an administrative agency. The interlocutory transfer statement shall contain (a) a list of all parties of record and their counsel, and the addresses of all parties and counsel; (b) a statement of the facts necessary to an understanding of the controlling question of law as determined by the transferring ~~lower~~ **[trial]** court or administrative agency, and a statement as to whether any transcript ~~would~~ **[will]** be necessary to decide the question **[if the interlocutory transfer is accepted by the court]**; (c) a statement of the question itself; (d) a statement of the reasons why a substantial basis exists for a difference of opinion on the question and why an interlocutory transfer may materially advance the termination or clarify further proceedings of the litigation, protect a party from substantial and irreparable injury, or present the opportunity to decide, modify or clarify an issue of general importance in the administration of justice; and (e) the signature of the ~~lower~~ **[trial]** court or of the administrative agency transferring the question. **[In addition, if a transcript will be necessary to decide the question if the interlocutory transfer is accepted by the court, then the interlocutory transfer statement shall also contain a Transcript Order Form. (The Transcript Order Form appears as part of the two Notice of Appeal Forms that may be found in the appendix to these rules.)]**

(2) The interlocutory transfer statement shall have annexed to it a copy of the pertinent text of the constitutions, statutes, ordinances, rules, regulations, insurance policies, contracts, or other documents involved in the case. If any documents are annexed to the interlocutory transfer statement, then the interlocutory transfer statement shall contain a table of contents. If a copy of the pertinent text of the constitutions, statutes and other documents aggregates more than 5 pages, it may instead be filed as a separate appendix, including a table of contents referring to numbered pages, and ~~only~~ 8 copies shall be filed.

(3) The moving party shall file the original and ~~12~~ **[8]** copies of the interlocutory transfer accompanied by the required entry fee within 10 days

from the date on the ~~lower~~ **[trial]** court's or administrative agency's written notice to the parties that the ~~lower~~ **[trial]** court or administrative agency has signed the interlocutory transfer.

Official Version

RULE 9. INTERLOCUTORY TRANSFER WITHOUT RULING

(1) The supreme court may, in its discretion, decline to accept an interlocutory transfer of a question of law without ruling by a trial court or by an administrative agency. The interlocutory transfer statement shall contain (a) a list of all parties of record and their counsel, and the addresses of all parties and counsel; (b) a statement of the facts necessary to an understanding of the controlling question of law as determined by the transferring trial court or administrative agency, and a statement as to whether any transcript will be necessary to decide the question if the interlocutory transfer is accepted by the court; (c) a statement of the question itself; (d) a statement of the reasons why a substantial basis exists for a difference of opinion on the question and why an interlocutory transfer may materially advance the termination or clarify further proceedings of the litigation, protect a party from substantial and irreparable injury, or present the opportunity to decide, modify or clarify an issue of general importance in the administration of justice; and (e) the signature of the trial court or of the administrative agency transferring the question. In addition, if a transcript will be necessary to decide the question if the interlocutory transfer is accepted by the court, then the interlocutory transfer statement shall also contain a Transcript Order Form. (The Transcript Order Form appears as part of the two Notice of Appeal Forms that may be found in the appendix to these rules.)

(2) The interlocutory transfer statement shall have annexed to it a copy of the pertinent text of the constitutions, statutes, ordinances, rules, regulations, insurance policies, contracts, or other documents involved in the case. If any documents are annexed to the interlocutory transfer statement, then the interlocutory transfer statement shall contain a table of contents. If a copy of the pertinent text of the constitutions, statutes and other documents aggregates more than 5 pages, it may instead be filed as a separate appendix, including a table of contents referring to numbered pages, and 8 copies shall be filed.

(3) The moving party shall file the original and 8 copies of the interlocutory transfer accompanied by the required entry fee within 10 days from the date on the trial court's or administrative agency's written notice to the parties that the trial court or administrative agency has signed the interlocutory transfer.

APPENDIX H

Amend Supreme Court Rule 10 and adopt said rule, as amended, on a permanent basis, as follows:

Unofficial Annotated Version

RULE 10. APPEAL FROM ADMINISTRATIVE AGENCY

(1) The supreme court may, in its discretion, decline to accept an appeal, or any question raised therein, from an order of an administrative agency, or may summarily dispose of such an appeal, or any question raised therein, as provided in ~~rule~~ **[Rule]** 25. Review of an order of an administrative agency, when authorized by law, shall be obtained by filing the original and ~~12~~ **[8]** copies of (a) an appeal under RSA 541; (b) in the case of an appeal from the department of employment security, an appeal under RSA 282-A:67; or (c) a petition for writ of certiorari if otherwise, accompanied by the required entry fee within the time prescribed by law. No entry fee will be required for an appeal filed by an individual claiming benefits under the unemployment compensation statute in accordance with RSA 282-A:158.

NOTE: To appeal to the supreme court from an administrative agency under RSA 541, the appealing party must have timely filed for a rehearing with the administrative agency. *See* RSA 541:4 and *Appeal of White Mountains Education Association*, 125 N.H. 771 (1984). The time period for the appeal does not begin to run until the administrative agency has acted upon the motion.

The appeal or petition, including any appeal from the department of employment security filed pursuant to RSA 282-A:67, shall as far as possible and in the order listed below:

(a) Specify the names of the parties seeking review of the order, the names of all other parties of record, the names of all counsel, and the addresses of all parties and counsel.

(b) Contain, or have annexed to it, a copy of the administrative agency's findings and rulings, a copy of the order sought to be reviewed, a copy of the motion for rehearing and all objections thereto, and a copy of the order on the motion for rehearing. The appeal or petition, and any appendix that may be filed, shall contain a table of contents.

(c) Specify the questions presented for review, expressed in the terms and circumstances of the case, but without unnecessary detail. The statement of a question presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the petition or fairly comprised therein will be considered by the court.

(d) Specify the provisions of the constitutions, statutes, ordinances, rules, or regulations involved in the case, setting them out verbatim, and giving their citation. If the provisions to be set out verbatim are lengthy, their citation alone will suffice at that point and their pertinent text shall be annexed to the petition. If the provisions aggregate more than 5 pages, their text may be filed as a separate appendix, including a table of contents referring to numbered pages, and ~~only~~ 8 copies shall be filed.

(e) Specify the provisions of insurance policies, contracts, or other documents involved in the case, setting them out verbatim. If the provisions to be set out verbatim are lengthy, their pertinent text shall be annexed to the petition. If the provisions aggregate more than 5 pages, their text may be filed as a separate appendix, including a table of contents referring to numbered pages, and ~~only~~ 8 copies shall be filed.

(f) Set forth a concise statement of the case containing the facts material to the consideration of the questions presented, with appropriate references to the transcript, if any.

(g) State the jurisdictional basis for the appeal, citing the relevant statutes or cases.

(h) A direct and concise statement of the reasons why a substantial basis exists for a difference of opinion on the question and why the acceptance of the appeal would protect a party from substantial and irreparable injury, or present the opportunity to decide, modify or clarify an issue of general importance in the administration of justice.

(i) A statement that every issue specifically raised has been presented to the administrative agency and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

(2) The order sought to be reviewed or enforced, the findings and rulings, or the report on which the order is based, and the pleadings, evidence, and proceedings before the agency shall constitute the record on appeal.

(3) The administrative agency, complying with the provisions of ~~rule~~ **[Rule]** 6(2) as to form, shall file the record with the clerk of the supreme court

as early as possible within 60 days after it has received the supreme court's order of notice. The original papers in the agency proceeding or certified copies may be filed. At the beginning of the record there shall be inserted a table of contents with references to the page of the record at which each item listed in the table of contents begins.

(4) The parties may designate by stipulation filed with the clerk of the supreme court that no part, or that only certain parts, of the record shall be filed with the court.

(5) If anything material to any party is omitted from the record by error or accident or is misstated in the record, the parties by stipulation may provide, or the supreme court on motion or on its own initiative may direct, that the omission or misstatement be corrected and, if necessary, that a supplemental record be prepared and filed.

(6) The entire record of the agency proceeding, whether filed with the supreme court or not, shall be a part of the record on appeal.

(7) In lieu of the record as defined in section (2) of this rule, the parties may prepare and sign a statement of the case showing how the questions of law transferred arose and were decided, and setting forth only so many of the facts as are essential to a decision of the questions presented.

(8) Notice by serving, delivering or mailing a copy of the appeal or petition upon all parties or opponents below as well as the agency involved and the attorney general is the responsibility of the moving party, and a certificate of compliance stating their names and addresses must be filed ~~within 3 days of the date the appeal or petition was docketed in this court~~ **[with the petition]**.

(9) If a timely appeal or petition is filed by a party appealing from an administrative agency, any other party may file a cross-appeal or cross-petition within 10 days from the date on which the appeal or petition was docketed with this court, and shall pay a filing fee therewith, provided that the party filing the cross-appeal or cross-petition must have timely filed any required motion for rehearing with the administrative agency.

~~Transition Period~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

Official Version

RULE 10. APPEAL FROM ADMINISTRATIVE AGENCY

(1) The supreme court may, in its discretion, decline to accept an appeal, or any question raised therein, from an order of an administrative agency, or may summarily dispose of such an appeal, or any question raised therein, as provided in Rule 25. Review of an order of an administrative agency, when authorized by law, shall be obtained by filing the original and 7 copies of (a) an appeal under RSA 541; (b) in the case of an appeal from the department of employment security, an appeal under RSA 282-A:67; or (c) a petition for writ of certiorari if otherwise, accompanied by the required entry fee within the time prescribed by law. No entry fee will be required for an appeal filed by an individual claiming benefits under the unemployment compensation statute in accordance with RSA 282-A:158.

NOTE: To appeal to the supreme court from an administrative agency under RSA 541, the appealing party must have timely filed for a rehearing with the administrative agency. *See* RSA 541:4 and *Appeal of White Mountains Education Association*, 125 N.H. 771 (1984). The time period for the appeal does not begin to run until the administrative agency has acted upon the motion.

The appeal or petition, including any appeal from the department of employment security filed pursuant to RSA 282-A:67, shall as far as possible and in the order listed below:

(a) Specify the names of the parties seeking review of the order, the names of all other parties of record, the names of all counsel, and the addresses of all parties and counsel.

(b) Contain, or have annexed to it, a copy of the administrative agency's findings and rulings, a copy of the order sought to be reviewed, a copy of the motion for rehearing and all objections thereto, and a copy of the order on the motion for rehearing. The appeal or petition, and any appendix that may be filed, shall contain a table of contents.

(c) Specify the questions presented for review, expressed in the terms and circumstances of the case, but without unnecessary detail. The statement of a question presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the petition or fairly comprised therein will be considered by the court.

(d) Specify the provisions of the constitutions, statutes, ordinances, rules, or regulations involved in the case, setting them out verbatim, and giving

their citation. If the provisions to be set out verbatim are lengthy, their citation alone will suffice at that point and their pertinent text shall be annexed to the petition. If the provisions aggregate more than 5 pages, their text may be filed as a separate appendix, including a table of contents referring to numbered pages, and 8 copies shall be filed.

(e) Specify the provisions of insurance policies, contracts, or other documents involved in the case, setting them out verbatim. If the provisions to be set out verbatim are lengthy, their pertinent text shall be annexed to the petition. If the provisions aggregate more than 5 pages, their text may be filed as a separate appendix, including a table of contents referring to numbered pages, and 8 copies shall be filed.

(f) Set forth a concise statement of the case containing the facts material to the consideration of the questions presented, with appropriate references to the transcript, if any.

(g) State the jurisdictional basis for the appeal, citing the relevant statutes or cases.

(h) A direct and concise statement of the reasons why a substantial basis exists for a difference of opinion on the question and why the acceptance of the appeal would protect a party from substantial and irreparable injury, or present the opportunity to decide, modify or clarify an issue of general importance in the administration of justice.

(i) A statement that every issue specifically raised has been presented to the administrative agency and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

(2) The order sought to be reviewed or enforced, the findings and rulings, or the report on which the order is based, and the pleadings, evidence, and proceedings before the agency shall constitute the record on appeal.

(3) The administrative agency, complying with the provisions of Rule 6(2) as to form, shall file the record with the clerk of the supreme court as early as possible within 60 days after it has received the supreme court's order of notice. The original papers in the agency proceeding or certified copies may be filed. At the beginning of the record there shall be inserted a table of contents with references to the page of the record at which each item listed in the table of contents begins.

(4) The parties may designate by stipulation filed with the clerk of the supreme court that no part, or that only certain parts, of the record shall be filed with the court.

(5) If anything material to any party is omitted from the record by error or accident or is misstated in the record, the parties by stipulation may provide, or the supreme court on motion or on its own initiative may direct, that the omission or misstatement be corrected and, if necessary, that a supplemental record be prepared and filed.

(6) The entire record of the agency proceeding, whether filed with the supreme court or not, shall be a part of the record on appeal.

(7) In lieu of the record as defined in section (2) of this rule, the parties may prepare and sign a statement of the case showing how the questions of law transferred arose and were decided, and setting forth only so many of the facts as are essential to a decision of the questions presented.

(8) Notice by serving, delivering or mailing a copy of the appeal or petition upon all parties or opponents below as well as the agency involved and the attorney general is the responsibility of the moving party, and a certificate of compliance stating their names and addresses must be filed with the petition.

(9) If a timely appeal or petition is filed by a party appealing from an administrative agency, any other party may file a cross-appeal or cross-petition within 10 days from the date on which the appeal or petition was docketed with this court, and shall pay a filing fee therewith, provided that the party filing the cross-appeal or cross-petition must have timely filed any required motion for rehearing with the administrative agency.

APPENDIX I

Amend Supreme Court Rule 11 and adopt said rule, as amended, on a permanent basis, as follows:

Unofficial Annotated Version

RULE 11. PETITION FOR ORIGINAL JURISDICTION

(1) Petitions requesting this court to exercise its original jurisdiction shall be granted only when there are special and important reasons for doing so. The following, while neither controlling nor fully measuring the court's discretion, indicate the character of the reasons that will be considered: When a ~~lower~~ **[trial]** court or administrative agency has decided a question of substance not theretofore determined by this court; or has decided it in a way probably not in accord with applicable decisions of this court; or has so far departed from the accepted or usual course of judicial or administrative agency proceedings as to call for an exercise of this court's power of supervision.

(2) A petition shall, as far as possible, contain in the order stated:

(a) A copy of the decision sought to be reviewed, if there is such a decision;

(b) The questions presented for review, expressed in the terms and circumstances of the case, but without unnecessary detail. The statement of a question presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the petition or fairly comprised therein will be considered by the court;

(c) The provisions of the constitutions, statutes, ordinances, rules, or regulations involved in the case, setting them out verbatim, and giving their citation. If the provisions to be set out verbatim are lengthy, their citation alone will suffice at that point, and their pertinent text shall be annexed to the petition. If any documents are annexed to the petition, then the petition shall contain a table of contents. If the provisions aggregate more than 5 pages, their text may be filed as a separate appendix, including a table of contents referring to numbered pages, and ~~only~~ 8 copies shall be filed;

(d) The provisions of insurance policies, contracts, or other documents involved in the case, setting them out verbatim. If the provisions to be set out verbatim are lengthy, their pertinent text shall be annexed to the petition. If any documents are annexed to the petition, then the petition

shall contain a table of contents. If the provisions aggregate more than 5 pages, their text may be filed as a separate appendix, including a table of contents referring to numbered pages, and ~~only~~ 8 copies shall be filed;

(e) A concise statement of the case containing the facts material to the consideration of the questions presented, with appropriate references to the appendix, if any;

(f) A concise statement specifying the stage of the proceedings in the ~~lower~~ **[trial]** court or administrative agency at which the questions sought to be reviewed were raised, the manner in which they were raised, and the way in which they were passed upon by the ~~lower~~ **[trial]** court or administrative agency;

(g) A direct and concise argument amplifying the reasons relied upon for petitioning this court to exercise its original jurisdiction (see section 1 above) and setting forth why the relief sought is not available in any other court or cannot be had through other processes;

(h) The jurisdictional basis for the petition, citing the relevant statutes or cases;

(i) A statement, if applicable, that every issue specifically raised has been presented to the **[trial court or]** administrative agency and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading;

(j) A list of all parties of record and their counsel, and the addresses of all parties and counsel~~.~~ **[;]**

[(k) A statement as to whether a transcript of any proceedings will be necessary if the petition is accepted for further review by the court. If a transcript will be necessary if the petition is accepted, then the petition shall also contain a Transcript Order Form. (The Transcript Order Form appears as part of the two Notice of Appeal Forms that may be found in the appendix to these rules.)]

All argument in support of the petition shall be set forth in the body of the petition. No separate brief in support of the ~~point shall be accepted~~ **[petition shall be filed]**, and the ~~clerk of this~~ court shall ~~refuse to docket any petition to which is annexed or appended~~ **[not consider]** any supporting brief.

(3) The failure of a petition to present with accuracy, brevity and clearness whatever is essential to a ready and adequate understanding of

the points requiring consideration will be a sufficient reason for denying the petition.

(4) If several cases involve identical or closely related questions, a single petition covering all the cases shall suffice.

(5) The original and ~~12~~ **[8]** copies of the petition shall be filed with the clerk of this court, accompanied by the filing fee. If the action is against the State, the petition must be served on the attorney general. Notice by serving, delivering or mailing a copy of the petition upon all parties or opponents below as well as the court or agency involved is the responsibility of the moving party, and a certificate of compliance stating their names and addresses must be filed ~~within 3 days of the date the petition was docketed in this court~~ **[with the petition]**.

(6) If the supreme court is of the opinion that the petition should not be granted, it shall deny the petition. The supreme court may, in its discretion, accept and schedule for briefing, with or without oral argument, any question presented in the petition.

The supreme court may order that an answer to the petition be filed within the time fixed by the order. Two or more parties may answer jointly. Persons named as parties but having no interest in the outcome of the petition shall notify the clerk of the supreme court in writing that they have no interest in the proceedings and in the outcome.

Official Version

RULE 11. PETITION FOR ORIGINAL JURISDICTION

(1) Petitions requesting this court to exercise its original jurisdiction shall be granted only when there are special and important reasons for doing so. The following, while neither controlling nor fully measuring the court's discretion, indicate the character of the reasons that will be considered: When a trial court or administrative agency has decided a question of substance not theretofore determined by this court; or has decided it in a way probably not in accord with applicable decisions of this court; or has so far departed from the accepted or usual course of judicial or administrative agency proceedings as to call for an exercise of this court's power of supervision.

(2) A petition shall, as far as possible, contain in the order stated:

(a) A copy of the decision sought to be reviewed, if there is such a decision;

(b) The questions presented for review, expressed in the terms and circumstances of the case, but without unnecessary detail. The statement of a question presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the petition or fairly comprised therein will be considered by the court;

(c) The provisions of the constitutions, statutes, ordinances, rules, or regulations involved in the case, setting them out verbatim, and giving their citation. If the provisions to be set out verbatim are lengthy, their citation alone will suffice at that point, and their pertinent text shall be annexed to the petition. If any documents are annexed to the petition, then the petition shall contain a table of contents. If the provisions aggregate more than 5 pages, their text may be filed as a separate appendix, including a table of contents referring to numbered pages, and 8 copies shall be filed;

(d) The provisions of insurance policies, contracts, or other documents involved in the case, setting them out verbatim. If the provisions to be set out verbatim are lengthy, their pertinent text shall be annexed to the petition. If any documents are annexed to the petition, then the petition shall contain a table of contents. If the provisions aggregate more than 5 pages, their text may be filed as a separate appendix, including a table of contents referring to numbered pages, and 8 copies shall be filed;

(e) A concise statement of the case containing the facts material to the consideration of the questions presented, with appropriate references to the appendix, if any;

(f) A concise statement specifying the stage of the proceedings in the trial court or administrative agency at which the questions sought to be reviewed were raised, the manner in which they were raised, and the way in which they were passed upon by the trial court or administrative agency;

(g) A direct and concise argument amplifying the reasons relied upon for petitioning this court to exercise its original jurisdiction (see section 1 above) and setting forth why the relief sought is not available in any other court or cannot be had through other processes;

(h) The jurisdictional basis for the petition, citing the relevant statutes or cases;

(i) A statement, if applicable, that every issue specifically raised has been presented to the trial court or administrative agency and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading;

(j) A list of all parties of record and their counsel, and the addresses of all parties and counsel;

(k) A statement as to whether a transcript of any proceedings will be necessary if the petition is accepted for further review by the court. If a transcript will be necessary if the petition is accepted, then the petition shall also contain a Transcript Order Form. (The Transcript Order Form appears as part of the two Notice of Appeal Forms that may be found in the appendix to these rules.)

All argument in support of the petition shall be set forth in the body of the petition. No separate brief in support of the petition shall be filed, and the court shall not consider any supporting brief.

(3) The failure of a petition to present with accuracy, brevity and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

(4) If several cases involve identical or closely related questions, a single petition covering all the cases shall suffice.

(5) The original and 8 copies of the petition shall be filed with the clerk of this court, accompanied by the filing fee. If the action is against the State, the petition must be served on the attorney general. Notice by serving, delivering or mailing a copy of the petition upon all parties or opponents below as well as the court or agency involved is the responsibility of the moving party, and a certificate of compliance stating their names and addresses must be filed with the petition.

(6) If the supreme court is of the opinion that the petition should not be granted, it shall deny the petition. The supreme court may, in its discretion, accept and schedule for briefing, with or without oral argument, any question presented in the petition.

The supreme court may order that an answer to the petition be filed within the time fixed by the order. Two or more parties may answer jointly. Persons named as parties but having no interest in the outcome of the petition shall notify the clerk of the supreme court in writing that they have no interest in the proceedings and in the outcome.

APPENDIX J

Amend Supreme Court Rule 12(2) as follows:

Unofficial Annotated Version

(2) Procedure For Requesting Confidentiality of a Case Record or a Portion of a Case Record in a Supreme Court Case

(a) Case Record or Portion of Case Record That Has Already Been Determined to be Confidential. ~~The following procedure shall be followed when the case record or a portion of the case record was determined to be confidential by the trial court, administrative agency, or other tribunal:~~

~~(1)~~ The appealing party shall indicate on the notice of appeal form or in the appeal document, e.g., appeal from administrative agency, that the case record or a portion of the case record was determined to be confidential by the trial court, administrative agency, or other tribunal, and shall cite the authority for confidentiality, e.g., the statute, administrative or court rule, or court order providing for confidentiality. Upon filing, the portion of the case record determined to be confidential by the trial court, administrative agency, or other tribunal shall remain confidential ~~pending review by the supreme court~~. **[Whenever a party files a pleading or other document that is confidential in part or in its entirety, the party shall identify, by cover letter or otherwise, in a conspicuous manner, the portion of the materials filed that is confidential.]**

~~(2) Within 30 days of the appeal being filed with the supreme court, a single justice of the supreme court shall review the case record or the portion of the case record determined to be confidential by the trial court, administrative agency, or other tribunal, and shall decide whether the case record or portion of the record in question shall remain confidential in the supreme court. The justice may refer the question to the full court for a ruling.~~

~~(3) Based on the review of the single justice or the court, an order will be issued which indicates whether the case record or a portion of the case record is confidential.~~

(b) Cases in Which There Has Been No Prior Determination of Confidentiality. The following procedure shall be followed when a party or other person with standing seeks to have the case record or a portion of the case record determined to be confidential by the supreme court:

(1) Any party or other person with standing who seeks a determination that a case record or a portion of a case record is confidential shall file a motion to seal the case record or the portion of the case record in question. The motion shall state the authority for confidentiality, i.e., the

statute, administrative or court rule providing for confidentiality, or the privacy interest or circumstance that requires confidentiality. Upon filing of the motion to seal, the case record or the portion of the case record which is the subject of the motion shall be kept confidential pending a ruling on the motion.

(2) Within 30 days of filing, a motion to seal will be reviewed by a single justice of the court who shall determine whether the case record or the portion of the case record that is the subject of the motion shall be confidential or who may refer the motion to the full court for a ruling.

(3) An order will be issued setting forth the ruling on the motion to seal.

(c) Court Action When Confidentiality is Required.

(1) The failure of a party or other person with standing to request that a case record or a portion of a case record be confidential shall not preclude the court from determining on its own motion that a statute, administrative or court rule, or other compelling interest requires that a case record or a portion of a case record proceeding be kept confidential.

(2) Before sealing a case record or a portion of a case record **[other than a case record or a portion of a case record that was determined to be confidential by the trial court, administrative agency, or other tribunal]**, a single justice or the court ~~must~~ **[shall]** determine that there is a basis for keeping the case record confidential.

(3) If a single justice or the court determines that a case record or a portion of a case record should be confidential, an order will be issued setting forth the ruling.

(d) Access to Supreme Court Orders On Confidentiality. Every order of the supreme court that a case record or a portion of a case record is confidential shall be available for public inspection. Information which would compromise the court's determination of confidentiality, e.g., the name of a juvenile, shall be redacted.

Official Version

(2) Procedure For Requesting Confidentiality of a Case Record or a Portion of a Case Record in a Supreme Court Case

(a) Case Record or Portion of Case Record That Has Already Been Determined to be Confidential. The appealing party shall indicate on the notice of appeal form or in the appeal document, e.g., appeal from administrative agency, that the case record or a portion of the case record was determined to be confidential by the trial court, administrative agency, or other tribunal, and shall cite the authority for confidentiality, e.g., the

statute, administrative or court rule, or court order providing for confidentiality. Upon filing, the portion of the case record determined to be confidential by the trial court, administrative agency, or other tribunal shall remain confidential. Whenever a party files a pleading or other document that is confidential in part or in its entirety, the party shall identify, by cover letter or otherwise, in a conspicuous manner, the portion of the materials filed that is confidential.

(b) Cases in Which There Has Been No Prior Determination of Confidentiality. The following procedure shall be followed when a party or other person with standing seeks to have the case record or a portion of the case record determined to be confidential by the supreme court:

(1) Any party or other person with standing who seeks a determination that a case record or a portion of a case record is confidential shall file a motion to seal the case record or the portion of the case record in question. The motion shall state the authority for confidentiality, i.e., the statute, administrative or court rule providing for confidentiality, or the privacy interest or circumstance that requires confidentiality. Upon filing of the motion to seal, the case record or the portion of the case record which is the subject of the motion shall be kept confidential pending a ruling on the motion.

(2) Within 30 days of filing, a motion to seal will be reviewed by a single justice of the court who shall determine whether the case record or the portion of the case record that is the subject of the motion shall be confidential or who may refer the motion to the full court for a ruling.

(3) An order will be issued setting forth the ruling on the motion to seal.

(c) Court Action When Confidentiality is Required.

(1) The failure of a party or other person with standing to request that a case record or a portion of a case record be confidential shall not preclude the court from determining on its own motion that a statute, administrative or court rule, or other compelling interest requires that a case record or a portion of a case record proceeding be kept confidential.

(2) Before sealing a case record or a portion of a case record other than a case record or a portion of a case record that was determined to be confidential by the trial court, administrative agency, or other tribunal, a single justice or the court shall determine that there is a basis for keeping the case record confidential.

(3) If a single justice or the court determines that a case record or a portion of a case record should be confidential, an order will be issued setting forth the ruling.

(d) Access to Supreme Court Orders On Confidentiality. Every order of the supreme court that a case record or a portion of a case record is confidential shall be available for public inspection. Information which would compromise the court's determination of confidentiality, e.g., the name of a juvenile, shall be redacted.

APPENDIX K

Amend Supreme Court Rule 12-B(1) as follows:

Unofficial Annotated Version

RULE 12-B. SCHEDULING ORDER: PREHEARING EVALUATION CONFERENCE

(1) The processing of a case ~~pursuant to the internal operating procedures of the supreme court~~ shall begin ~~immediately~~ upon the filing of the case with the clerk of the supreme court. The parties shall await a scheduling order, a prehearing evaluation conference order, a declination of acceptance order, or an order of summary disposition. The clerk shall issue a scheduling order as soon as practicable, unless a prehearing evaluation conference has been arranged, in which instance the scheduling order may be entered as part of the conference order.

Scheduling orders ~~shall~~ **[may]**, as appropriate to the circumstances, set forth the dates on or before which the record, the opening brief, the opposing brief, and the appendices in the briefs or a separate appendix shall be filed; set forth whether a transcript shall be prepared and the extent of any such transcript; ~~designate the month during which argument of the case is expected to be heard;~~ and ~~shall~~ **[may]** set forth such other matters as shall be deemed desirable or necessary. ~~A scheduling order establishing the briefing schedule shall, unless exceptional circumstances exist, provide that the opening brief shall be filed on or before a specified date within 45 days, and the opposing brief on or before a specified date within 90 days, of the date of the scheduling order. In cases not involving a transcript of the proceedings below, the specified dates shall be within 30 days and 60 days, respectively.~~ The court may, in a scheduling order or other order, define or limit the issues which the court will consider on the appeal.

Official Version

RULE 12-B. SCHEDULING ORDER: PREHEARING EVALUATION CONFERENCE

(1) The processing of a case shall begin upon the filing of the case with the clerk of the supreme court. The parties shall await a scheduling order, a prehearing evaluation conference order, a declination of acceptance order, or an order of summary disposition. The clerk shall issue a scheduling order as soon as practicable, unless a prehearing evaluation conference has been arranged, in which instance the scheduling order may be entered as part of the conference order.

Scheduling orders may, as appropriate to the circumstances, set forth the dates on or before which the record, the opening brief, the opposing brief, and the appendices in the briefs or a separate appendix shall be filed; set forth whether a transcript shall be prepared and the extent of any such transcript; and may set forth such other matters as shall be deemed desirable or necessary. The court may, in a scheduling order or other order, define or limit the issues which the court will consider on the appeal.

APPENDIX L

Repeal Supreme Court Rule 12-C, regarding Judicial Referee Panels, in its entirety.

APPENDIX M

Amend Supreme Court Rule 13 and adopt said rule, as amended, on a permanent basis, as follows:

Unofficial Annotated Version

RULE 13. THE RECORD

(1) The papers and exhibits filed and considered in the proceedings in the ~~lower~~ **[trial]** court or administrative agency ~~from which the questions of law have been transferred~~, the transcript of proceedings, if any, and a certified copy of the docket entries prepared by the clerk of the ~~lower~~ **[trial]** court or administrative agency shall be the record in all cases entered in the supreme court.

(2) **[Generally, the trial court record is not automatically transferred to the supreme court. Unless a party takes appropriate action to ensure that the record is before the supreme court either by filing an appendix pursuant to Rule 13(3) or by filing a motion pursuant to Rule 13(4), then the record may not be before the supreme court to be considered.]** The moving party shall be responsible for ensuring that all or such portions of the record relevant and necessary for the court to decide the questions of law presented by the case are in fact provided to the supreme court. The supreme court may dismiss the case **[or decline to address specific questions raised on appeal]** for failure to comply with this requirement.

(3) The supreme court will not ordinarily review any part of the record that has not been provided to it in an appendix by a party or transmitted to it by the ~~lower~~ **[trial]** court or administrative agency. *See* Rules 13(2), 17(1). Unless a party believes that providing a copy in an appendix of a paper or exhibit filed below would be impracticable or inadequate for appellate review, a party seeking to provide a paper or exhibit to the supreme court shall file a copy of the paper or exhibit in an appendix to the party's brief, which shall be filed on or before the date established for filing the party's brief.

(4) If a party believes that providing a copy in an appendix of any papers or exhibits filed below would be impracticable or inadequate for appellate review, the party shall file a motion with the supreme court on or before the date established for filing the party's brief, requesting that the supreme court order the ~~lower~~ **[trial]** court or administrative agency to transmit the papers or exhibits in question to the supreme court. The motion shall designate the papers and exhibits in question, and shall show cause why providing a copy in an appendix would be ~~insufficient~~ **[impracticable]** or inadequate for appellate review.

(5) Neither the original nor a reproduction of the record nor any part of the record shall be transmitted to the supreme court by the ~~lower~~ **[trial]** court or administrative agency from which the questions of law have been transferred, unless a supreme court order, rule, or form expressly requires such a transmittal.

(6) In lieu of the record as defined in section (1) of this rule, the parties may prepare and sign an original and ~~12~~ **[8]** copies of a statement of the case showing how the questions of law transferred arose and were decided, and setting forth only so many of the agreed facts as are essential to a decision of the questions presented.

~~(7) If more than one transfer of questions of law in a case is made to the supreme court, each moving party shall comply with the provisions of rule 14(1) and of this rule and a single record shall be transmitted.~~

~~**Transition Period**~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

Official Version

RULE 13. THE RECORD

(1) The papers and exhibits filed and considered in the proceedings in the trial court or administrative agency, the transcript of proceedings, if any, and a certified copy of the docket entries prepared by the clerk of the trial court or administrative agency shall be the record in all cases entered in the supreme court.

(2) Generally, the trial court record is not automatically transferred to the supreme court. Unless a party takes appropriate action to ensure that the record is before the supreme court either by filing an appendix pursuant to Rule 13(3) or by filing a motion pursuant to Rule 13(4), then the record may not be before the supreme court to be considered. The moving party shall be responsible for ensuring that all or such portions of the record relevant and necessary for the court to decide the questions of law presented by the case are in fact provided to the supreme court. The supreme court may dismiss the case or decline to address specific questions raised on appeal for failure to comply with this requirement.

(3) The supreme court will not ordinarily review any part of the record that has not been provided to it in an appendix by a party or transmitted to it by the trial court or administrative agency. *See* Rules 13(2), 17(1). Unless a party believes that providing a copy in an appendix of a paper or exhibit filed below would be impracticable or inadequate for appellate review, a party seeking to provide a paper or exhibit to the supreme court shall file a copy of the paper or exhibit in an appendix to the party's brief, which shall be filed on or before the date established for filing the party's brief.

(4) If a party believes that providing a copy in an appendix of any papers or exhibits filed below would be impracticable or inadequate for appellate review, the party shall file a motion with the supreme court on or before the date established for filing the party's brief, requesting that the supreme court order the trial court or administrative agency to transmit the papers or exhibits in question to the supreme court. The motion shall designate the papers and exhibits in question, and shall show cause why providing a copy in an appendix would be impracticable or inadequate for appellate review.

(5) Neither the original nor a reproduction of the record nor any part of the record shall be transmitted to the supreme court by the trial court or administrative agency from which the questions of law have been transferred, unless a supreme court order, rule, or form expressly requires such a transmittal.

(6) In lieu of the record as defined in section (1) of this rule, the parties may prepare and sign an original and 8 copies of a statement of the case showing how the questions of law transferred arose and were decided, and setting forth only so many of the agreed facts as are essential to a decision of the questions presented.

APPENDIX N

Amend Supreme Court Rule 14 as follows:

Unofficial Annotated Version

RULE 14. TRANSMITTAL OF THE RECORD

(1) The moving party shall comply with the provisions of ~~rule~~ **[Rule]** 13 and shall take any other action ~~necessary~~ **[permitted under these rules]** to assemble and transmit the record of proceedings in the ~~lower~~ **[trial]** court or administrative agency ~~from which the questions of law have been transferred~~.

(2) When the supreme court orders the clerk of the ~~lower~~ **[trial]** court or administrative agency ~~from which the questions of law have been transferred~~ to transmit the record necessary for the determination of the questions of law transferred, the clerk shall number the documents constituting the record and shall transmit with the record a list of the documents correspondingly numbered and identified with reasonable definiteness.

(3) Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted unless the supreme court orders the clerk to do so. A party must make advance arrangements with the clerk or administrative agency from which the questions of law have been transferred for the transportation and receipt of exhibits of unusual bulk or weight.

~~(4) If more than one transfer of questions of law in a case is made to the supreme court, each moving party shall comply with the provisions of rule 13(3), (4), and (5) and of this rule, and a single record shall be transmitted.~~

~~(5)~~ **[(4)]** The supreme court may, on motion for cause shown, extend the time for transmitting the record or may permit the record to be transmitted and filed after the expiration of the time allowed or fixed. The court may require the record to be transmitted at any time before the time allowed or fixed.

~~(6)~~ **[(5)]** The parties may agree by written stipulation filed in the ~~lower~~ **[trial]** court or administrative agency ~~from which the questions of law have been transferred~~ that designated parts of the record shall be retained in the ~~lower~~ **[trial]** court or administrative agency.

~~(7) A certified copy of the docket entries may be transmitted in lieu of the entire record or the parts designated for retention, subject to the right of any party to request at any time during the pendency of the transfer that the entire record or the designated parts of the record be transmitted.~~

Official Version

RULE 14. TRANSMITTAL OF THE RECORD

(1) The moving party shall comply with the provisions of Rule 13 and shall take any other action permitted under these rules to assemble and transmit the record of proceedings in the trial court or administrative agency.

(2) When the supreme court orders the clerk of the trial court or administrative agency to transmit the record necessary for the determination of the questions of law transferred, the clerk shall number the documents constituting the record and shall transmit with the record a list of the documents correspondingly numbered and identified with reasonable definiteness.

(3) Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted unless the supreme court orders the clerk to do so. A party must make advance arrangements with the clerk or administrative agency from which the questions of law have been transferred for the transportation and receipt of exhibits of unusual bulk or weight.

(4) The supreme court may, on motion for cause shown, extend the time for transmitting the record or may permit the record to be transmitted and filed after the expiration of the time allowed or fixed. The court may require the record to be transmitted at any time before the time allowed or fixed.

(5) The parties may agree by written stipulation filed in the trial court or administrative agency that designated parts of the record shall be retained in the trial court or administrative agency.

APPENDIX O

Amend Supreme Court Rule 15 and adopt said rule, as amended, on a permanent basis, as follows:

Unofficial Annotated Version

RULE 15. TRANSCRIPTS

(1) ~~Counsel~~ **[The parties]** shall attempt to enter into stipulations, such as an agreed statement of facts, that will reduce the size of transcripts or avoid them completely. If such a stipulation is entered into, an original and ~~12~~ **[8]** copies thereof must be filed with the clerk's office if it is not included in the notice of appeal.

(2) (a) *Mandatory appeals.* The moving party shall have completed the notice of appeal form which includes the transcript information, including the date of the proceedings to be transcribed, the length of the proceedings, the name(s) of any court reporters, and the deposit required. A transcript of the parts of the proceedings necessary for appeal and not already on file in the ~~lower~~ **[trial]** court from which the questions of law have been transferred shall be prepared. The supreme court clerk's office shall issue a scheduling order notifying the moving party to pay the deposit for the transcript to the clerk of the ~~lower~~ **[trial]** court within 15 days from the date on the written notice or have the appeal deemed waived or have the case dismissed. Upon timely receiving the required deposit, the ~~lower~~ **[trial]** court clerk shall immediately notify the court reporter to proceed with the transcription and shall notify the clerk of the supreme court that the court reporter has been so notified. If the ~~lower~~ **[trial]** court clerk does not timely receive the required deposit, the clerk shall immediately so notify the clerk of the supreme court. For the purposes of initial assessment of transcription costs pursuant to this rule, any party filing an appeal may be considered a moving party, and in cases of multiple appeals, the court, within its discretion, may assess transcription costs as justice requires.

(b) *Other appeals from ~~lower~~ **[trial]** court decisions on the merits.* The moving party shall have completed the notice of appeal form which includes the transcript information, including the date of the proceedings to be transcribed, the length of the proceedings, the name(s) of any court reporters, and the deposit required. If the appeal is accepted by the court for briefing, the supreme court clerk's office shall issue a scheduling order notifying the moving party to pay the deposit for the transcript to the clerk of the ~~lower~~ **[trial]** court within 15 days from the date on the written notice or have the appeal deemed waived or have the case dismissed. Upon timely receiving the required deposit,

the ~~lower~~ **[trial]** court clerk shall immediately notify the court reporter to proceed with the transcription and shall notify the clerk of the supreme court that the court reporter has been so notified. If the ~~lower~~ **[trial]** court clerk does not timely receive the required deposit, the clerk shall immediately so notify the clerk of the supreme court. For the purposes of initial assessment of transcription costs pursuant to this rule, any party filing an appeal may be considered a moving party, and in cases of multiple appeals, the court, within its discretion, may assess transcription costs as justice requires.

(3) If the moving party intends to argue in the supreme court that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, he shall include in the record a transcript of all evidence relevant to such finding or conclusion. Unless otherwise ordered by the supreme court, the transcript shall contain all the oral proceedings except opening statements, medical testimony, arguments, and charge.

(4) Unless the parties agree, or the court otherwise orders, the trial court reporter shall produce a completed original and 2 copies of a transcript as early as possible within 45 days after the reporter is notified by the ~~lower~~ **[trial]** court clerk to proceed with the transcription. Requests for extensions of time in which to prepare a transcript shall not be favored, but a trial court reporter may request that the supreme court grant an extension of time. Such a request shall give the reasons for the need for an extension. The trial court reporter shall send a copy of the letter to the chief justice of the superior court.

(5) The supreme court may order that the preparation of a transcript in a case be given immediate attention.

(6) The original transcript shall be transmitted to the supreme court as part of the record on appeal, and the copies shall be transmitted to the parties.

(7) The trial court reporter shall bind the transcript in a volume or volumes, with the pages consecutively numbered throughout all volumes. The transcript shall be indexed. The index in the first volume shall refer to the number of each volume and the page, and shall be cumulative for all volumes; the index in each other volume shall cover the subject matter in that volume. The index shall list each witness alphabetically, and under the name of the witness, shall refer to the page number where the direct and each other examination of the witness begins. There shall be a list of exhibits by number or letter, with a brief indication of the nature of the contents, and a list of the pages of the transcript where each exhibit has been identified, offered, received, or rejected. There shall be a list of other important parts of the trial that may have been transcribed, such as opening statements, arguments to the jury, and instructions, with a reference to the page where each begins.

(8) The court may order the State or the appealing party in every case in which the State is not a party to file with the clerk of the supreme court a copy of the transcript immediately after oral argument or immediately after the case is submitted for decision on the briefs and without oral argument.

~~Transition Period~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

[Comment

It is a long-standing rule that parties may not have judicial review of matters not raised in the forum of trial. Absent a transcript of the proceedings below, the supreme court will generally assume that the evidence was sufficient to support the result reached by the trial court. It is the burden of the appealing party to provide the supreme court with a record sufficient to decide the issues on appeal, as well as to demonstrate that those issues were properly raised before the trial court. In deciding whether a transcript of the trial court's proceedings is necessary, the appealing party should keep in mind that the appealing party is responsible for providing the supreme court with a sufficient record to decide the issues on appeal. If the appealing party fails to provide a sufficient record, the appeal may be dismissed or the supreme court may not review an issue that the appealing party has raised. *See Bean v. Red Oak Prop. Mgmt.*, 151 N.H. 248 (2004).]

Official Version

RULE 15. TRANSCRIPTS

(1) The parties shall attempt to enter into stipulations, such as an agreed statement of facts, that will reduce the size of transcripts or avoid them completely. If such a stipulation is entered into, an original and 8 copies thereof must be filed with the clerk's office if it is not included in the notice of appeal.

(2) (a) *Mandatory appeals.* The moving party shall have completed the notice of appeal form which includes the transcript information, including the date of the proceedings to be transcribed, the length of the proceedings, the name(s) of any court reporters, and the deposit required. A transcript of the parts of the proceedings necessary for appeal and not already on file in the trial court from which the questions of law have been transferred shall be prepared. The supreme court clerk's office shall issue a scheduling order notifying the moving party to pay the deposit for the transcript to the clerk of the trial court within 15 days from the date on the written notice or have the appeal deemed

waived or have the case dismissed. Upon timely receiving the required deposit, the trial court clerk shall immediately notify the court reporter to proceed with the transcription and shall notify the clerk of the supreme court that the court reporter has been so notified. If the trial court clerk does not timely receive the required deposit, the clerk shall immediately so notify the clerk of the supreme court. For the purposes of initial assessment of transcription costs pursuant to this rule, any party filing an appeal may be considered a moving party, and in cases of multiple appeals, the court, within its discretion, may assess transcription costs as justice requires.

(b) *Other appeals from trial court decisions on the merits*. The moving party shall have completed the notice of appeal form which includes the transcript information, including the date of the proceedings to be transcribed, the length of the proceedings, the name(s) of any court reporters, and the deposit required. If the appeal is accepted by the court for briefing, the supreme court clerk's office shall issue a scheduling order notifying the moving party to pay the deposit for the transcript to the clerk of the trial court within 15 days from the date on the written notice or have the appeal deemed waived or have the case dismissed. Upon timely receiving the required deposit, the trial court clerk shall immediately notify the court reporter to proceed with the transcription and shall notify the clerk of the supreme court that the court reporter has been so notified. If the trial court clerk does not timely receive the required deposit, the clerk shall immediately so notify the clerk of the supreme court. For the purposes of initial assessment of transcription costs pursuant to this rule, any party filing an appeal may be considered a moving party, and in cases of multiple appeals, the court, within its discretion, may assess transcription costs as justice requires.

(3) If the moving party intends to argue in the supreme court that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, he shall include in the record a transcript of all evidence relevant to such finding or conclusion. Unless otherwise ordered by the supreme court, the transcript shall contain all the oral proceedings except opening statements, medical testimony, arguments, and charge.

(4) Unless the parties agree, or the court otherwise orders, the trial court reporter shall produce a completed original and 2 copies of a transcript as early as possible within 45 days after the reporter is notified by the trial court clerk to proceed with the transcription. Requests for extensions of time in which to prepare a transcript shall not be favored, but a trial court reporter may request that the supreme court grant an extension of time. Such a request shall give the reasons for the need for an extension. The trial court reporter shall send a copy of the letter to the chief justice of the superior court.

(5) The supreme court may order that the preparation of a transcript in a case be given immediate attention.

(6) The original transcript shall be transmitted to the supreme court as part of the record on appeal, and the copies shall be transmitted to the parties.

(7) The trial court reporter shall bind the transcript in a volume or volumes, with the pages consecutively numbered throughout all volumes. The transcript shall be indexed. The index in the first volume shall refer to the number of each volume and the page, and shall be cumulative for all volumes; the index in each other volume shall cover the subject matter in that volume. The index shall list each witness alphabetically, and under the name of the witness, shall refer to the page number where the direct and each other examination of the witness begins. There shall be a list of exhibits by number or letter, with a brief indication of the nature of the contents, and a list of the pages of the transcript where each exhibit has been identified, offered, received, or rejected. There shall be a list of other important parts of the trial that may have been transcribed, such as opening statements, arguments to the jury, and instructions, with a reference to the page where each begins.

(8) The court may order the State or the appealing party in every case in which the State is not a party to file with the clerk of the supreme court a copy of the transcript immediately after oral argument or immediately after the case is submitted for decision on the briefs and without oral argument.

Comment

It is a long-standing rule that parties may not have judicial review of matters not raised in the forum of trial. Absent a transcript of the proceedings below, the supreme court will generally assume that the evidence was sufficient to support the result reached by the trial court. It is the burden of the appealing party to provide the supreme court with a record sufficient to decide the issues on appeal, as well as to demonstrate that those issues were properly raised before the trial court. In deciding whether a transcript of the trial court's proceedings is necessary, the appealing party should keep in mind that the appealing party is responsible for providing the supreme court with a sufficient record to decide the issues on appeal. If the appealing party fails to provide a sufficient record, the appeal may be dismissed or the supreme court may not review an issue that the appealing party has raised. *See Bean v. Red Oak Prop. Mgmt.*, 151 N.H. 248 (2004).

APPENDIX P

Amend Supreme Court Rule 16 and adopt said rule, as amended, on a permanent basis, as follows:

Unofficial Annotated Version

RULE 16. BRIEFS

(1) Briefs may be prepared using a printing, duplicating or copying process capable of producing a clear letter quality black image on white paper, but shall not include ordinary carbon copies. If briefs timely filed do not conform to this rule or are not clearly legible, the clerk of the supreme court may require that new copies be substituted, but the filing shall not thereby be deemed untimely.

Each brief shall be in pamphlet form upon good quality, nonclinging paper 8 ½ by 11 inches in size, with front and back covers of durable quality. Each brief shall have a minimum margin of one inch on the binding side and shall be firmly bound at the left margin. Any metal or plastic spines, fasteners or staples shall be flush with the covers and shall be covered by tape. The covers shall be flush with the pages of the case. *See also* ~~rule~~ **[Rule]** 26(5).

If briefs are produced by commercial printing or duplicating firms, or, if produced otherwise and the covers to be described are available, the cover of the brief of the appealing party should be blue; that of the opposing party, red; that of an intervenor or amicus curiae, green; and that of any reply brief, including the answering brief in accordance with Rule 16(8), gray. The cover of the appendix, if separately printed, should be white.

The court will not accept any other method of binding unless prior approval has been obtained from the clerk of the supreme court.

(2) The front covers of the briefs and of appendices, if the appendices are separately produced, shall contain: (a) the name of this court and the docket number of the case; (b) the title of the case; (c) the nature of the proceeding in this court, *e.g.*, appeal by petition pursuant to RSA 541: 6, and the name of the court or agency below; (d) the title of the document, *e.g.*, brief for plaintiff; (e) the names and addresses of counsel representing the party on whose behalf the document is filed; and (f) the name of counsel who is to argue the case. *See* form in appendix.

(3) So far as possible, the brief of the moving party on the merits shall contain in the order here indicated:

(a) A table of contents, with page references, and a table of cases listed alphabetically, a table of statutes and other authorities, with references to the pages of the briefs where they are cited.

(b) The questions presented for review, expressed in terms and circumstances of the case but without unnecessary detail. While the statement of a question need not be worded exactly as it was in the appeal document, the question presented shall be the same as the question previously set forth in the appeal document. The statement of a question presented will be deemed to include every subsidiary question fairly comprised therein. The moving party may argue in his brief any question of law not listed in his appeal document, but only if the supreme court has granted a motion to add such question, and he has presented a record that is sufficient for the supreme court to decide the questions presented. Motions to add a question may be filed only by a party who filed an appeal document (including a party who filed a cross-appeal), and shall be filed at least 20 days prior to the due date of the moving party's brief.

After each statement of a question presented, counsel shall make specific reference to the volume and page of the transcript where the issue was raised and where an objection was made, or to the pleading which raised the issue. Failure to comply with this requirement shall be cause for the court to disregard or strike the brief in whole or in part, and opposing counsel may so move within ten days of the filing of a brief not in compliance with this rule.

(c) The constitutional provisions, statutes, ordinances, rules, or regulations involved in the case, setting them out verbatim, and giving their citation. If the provisions involved are lengthy, their citation alone will suffice at that point, and their pertinent text shall be set forth in an appendix.

(d) A concise statement of the case and a statement of facts material to the consideration of the questions presented, with appropriate references to the appendix or to the record.

(e) A summary of argument, suitably paragraphed, which should be a succinct, but accurate and clear, condensation of the argument made in the body of the brief. It should not be a mere repetition of the headings under which the argument is arranged.

(f) The argument, exhibiting clearly the points of fact and of law being presented, citing the authorities relied upon.

(g) A conclusion, specifying the relief to which the party believes himself entitled.

[(h) A statement that the party waives oral argument or that the party requests oral argument. A party requesting oral argument may designate whether the party requests oral argument before a 3JX panel or the full court, and may set forth reasons why the party believes oral argument is necessary or will be helpful to the court in deciding the case. If a party requests oral argument before the full court, and if the party believes that more than 15 minutes to a side will be necessary for oral argument, the party may set forth why the party believes that good cause exists for granting additional time. The party shall designate the lawyer to be heard if there are two or more lawyers on the party's side.]

~~(h)~~ **[(i)]** A copy of the decision(s) below that are being appealed or reviewed.

(4)(a) The brief of the opposing party shall conform to the foregoing requirements, except that no statement of the case need be made beyond what may be deemed necessary in correcting any inaccuracy or omission in the statement of the other side, and except that subsections (b), (c), and ~~(h)~~ **[(i)]** of subsection (3) need not be included unless the opposing party is dissatisfied with their presentation by the other side.

(b) Instead of a brief, the opposing party in a mandatory appeal may file a memorandum of law not to exceed 15 pages in length. A memorandum of law need not comply with the requirements for a brief set forth in this rule, including the requirements that briefs be bound in pamphlet form and have covers. A memorandum of law, however, shall contain: (i) the argument, exhibiting clearly the points of fact and of law being presented, citing the authorities relied upon; and (ii) a conclusion, specifying the relief to which the party believes himself entitled. A party who files a memorandum of law shall be deemed to have consented to the waiver of oral argument.

(5) Reply briefs shall conform to such parts of this rule as are applicable to the briefs of an opposing party, but need not contain a summary of argument, regardless of their length, if appropriately divided by topical headings.

(6) Briefs and memoranda of law must be compact, logically arranged with proper headings, concise and free from burdensome, irrelevant, and immaterial matter. Briefs and memoranda of law not complying with this section may be disregarded and stricken by the supreme court.

(7) Unless specially ordered otherwise, the original and ~~12~~ **[8]** copies of the opening brief shall be filed with the clerk of the supreme court, in addition, 2 copies with counsel for each party separately represented, **[2 copies with each pro se party,]** and like distribution shall be made of the opposing brief, opposing memorandum of law, or any other brief, all within the times specified in the applicable scheduling order.

The party filing the opening brief may similarly file, and make like distribution of, a reply brief, which shall be filed by the earlier of 20 days following the submission of the opposing brief or opposing memorandum of law, or 10 days before the date of oral argument. A reply brief may be filed after the expiration of the applicable time period only by leave of court. Responses to a reply brief shall not ordinarily be allowed. No response to a reply brief may be filed except by permission of the court received in advance.

Whenever a party desires to present late authorities, newly enacted legislation, or other intervening matters that were not available in time to have been included in his brief, he may similarly file, and make like distribution of, such new matters up to and including the day of oral argument, or by leave of the supreme court thereafter.

The ~~clerk of the supreme~~ court shall not ~~accept~~ **[consider]** any brief or memorandum of law after a case has been argued or submitted, unless the ~~supreme~~ court has granted to the party offering to file the brief or memorandum of law special leave to do so in advance.

(8) If a cross-appeal is filed, the ~~plaintiff in the lower court or in the administrative agency~~ **[clerk shall determine which party]** shall be deemed the moving party for the purposes of this rule, unless the parties agree ~~or the court orders differently~~ **[and so notify the court]**. The brief of the opposing party shall contain the issues and argument involved in his appeal as well as the answer to the brief of the moving party. The moving party may file an answering brief within the time specified in the scheduling order.

(9) All references in a brief or memorandum of law to the appendix or to the record must be accompanied by the appropriate page number.
Citations to Supreme Court of the United States cases that cannot be made to the official *United States Reports* or to the *Supreme Court Reporter* shall include the month, day, and year of decision or a reference to *United States Law Week*.
Citations to other federal decisions not presently reported shall identify the court, docket number, and date.

Citations to the decisions of this court may be to the New Hampshire Reports only. Citations to other State court decisions may either be: (a) to the official report and to the West Reporter system, with the year of decision; or (b)

to the West Reporter only, in which case the citation should identify the State court by name or level, and should mention the year of decision.

(10) The party filing a brief or memorandum of law shall conclude the pleading with a certification that the party has hand-delivered or has sent by first class mail two copies of the pleading to the other counsel in the case. ~~The party filing a brief shall also conclude the brief, when applicable, with a statement that the party waives oral argument or that the party requests oral argument. A party requesting oral argument shall designate the lawyer to be heard if there are two or more lawyers on the party's side and shall estimate the time not exceeding 15 minutes for such argument.~~

The name of the party filing the brief or memorandum of law and the name of the lawyer representing the party shall appear in type at the conclusion of the pleading, and the lawyer shall sign the pleading. Names of persons not members of the bar or not parties shall not appear on the notice of appeal, the brief, the memorandum of law, or in the appendix unless they have complied with ~~rule~~ **[Rule]** 33 and received prior written approval of the court. *See* ~~rule~~ **[Rule]** 33(2).

[If an attorney provided limited representation to an otherwise unrepresented party by drafting a brief or memorandum of law to be filed by such party in a proceeding in which the attorney is not entering any appearance or otherwise appearing in the case in the supreme court, the attorney is not required to disclose the attorney's name on such pleading to be used by that party; any pleading drafted by such limited representation attorney, however, must conspicuously contain the statement "This pleading was prepared with the assistance of a New Hampshire attorney." The unrepresented party must comply with this required disclosure.]

(11) Each brief and memorandum of law shall consist of standard sized typewriter characters or size 12 font produced on one side of each leaf only. The text shall be double spaced.

Except by permission of the court received in advance, no reply brief (or response thereto) shall exceed 10 pages, and **[, except in a case with a cross-appeal,]** no other brief shall exceed 35 pages, exclusive of pages containing the table of contents, tables of citations, and any addendum containing pertinent texts of constitutions, statutes, rules, regulations, and other such matters. **[If a cross-appeal is filed, the opening brief and answering brief of the moving party shall not exceed 35 pages, and the opposing brief of the cross-appellant shall not exceed 50 pages, exclusive of pages containing the table of contents, tables of citations, and any addendum containing pertinent texts of constitutions, statutes, rules, regulations, and other**

such matters. The cross-appellant may file a reply brief, which shall not exceed 10 pages.]

(12) Failure of the appealing party to file a brief shall constitute a waiver of the appeal and the case shall be dismissed.

~~**Transition Period**~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

Official Version

RULE 16. BRIEFS

(1) Briefs may be prepared using a printing, duplicating or copying process capable of producing a clear letter quality black image on white paper, but shall not include ordinary carbon copies. If briefs timely filed do not conform to this rule or are not clearly legible, the clerk of the supreme court may require that new copies be substituted, but the filing shall not thereby be deemed untimely.

Each brief shall be in pamphlet form upon good quality, nonclinging paper 8 ½ by 11 inches in size, with front and back covers of durable quality. Each brief shall have a minimum margin of one inch on the binding side and shall be firmly bound at the left margin. Any metal or plastic spines, fasteners or staples shall be flush with the covers and shall be covered by tape. The covers shall be flush with the pages of the case. *See also* Rule 26(5).

If briefs are produced by commercial printing or duplicating firms, or, if produced otherwise and the covers to be described are available, the cover of the brief of the appealing party should be blue; that of the opposing party, red; that of an intervenor or amicus curiae, green; and that of any reply brief, including the answering brief in accordance with Rule 16(8), gray. The cover of the appendix, if separately printed, should be white.

The court will not accept any other method of binding unless prior approval has been obtained from the clerk of the supreme court.

(2) The front covers of the briefs and of appendices, if the appendices are separately produced, shall contain: (a) the name of this court and the docket number of the case; (b) the title of the case; (c) the nature of the proceeding in this court, *e.g.*, appeal by petition pursuant to RSA 541: 6, and the name of the

court or agency below; (d) the title of the document, *e.g.*, brief for plaintiff; (e) the names and addresses of counsel representing the party on whose behalf the document is filed; and (f) the name of counsel who is to argue the case. *See* form in appendix.

(3) So far as possible, the brief of the moving party on the merits shall contain in the order here indicated:

(a) A table of contents, with page references, and a table of cases listed alphabetically, a table of statutes and other authorities, with references to the pages of the briefs where they are cited.

(b) The questions presented for review, expressed in terms and circumstances of the case but without unnecessary detail. While the statement of a question need not be worded exactly as it was in the appeal document, the question presented shall be the same as the question previously set forth in the appeal document. The statement of a question presented will be deemed to include every subsidiary question fairly comprised therein. The moving party may argue in his brief any question of law not listed in his appeal document, but only if the supreme court has granted a motion to add such question, and he has presented a record that is sufficient for the supreme court to decide the questions presented. Motions to add a question may be filed only by a party who filed an appeal document (including a party who filed a cross-appeal), and shall be filed at least 20 days prior to the due date of the moving party's brief.

After each statement of a question presented, counsel shall make specific reference to the volume and page of the transcript where the issue was raised and where an objection was made, or to the pleading which raised the issue. Failure to comply with this requirement shall be cause for the court to disregard or strike the brief in whole or in part, and opposing counsel may so move within ten days of the filing of a brief not in compliance with this rule.

(c) The constitutional provisions, statutes, ordinances, rules, or regulations involved in the case, setting them out verbatim, and giving their citation. If the provisions involved are lengthy, their citation alone will suffice at that point, and their pertinent text shall be set forth in an appendix.

(d) A concise statement of the case and a statement of facts material to the consideration of the questions presented, with appropriate references to the appendix or to the record.

(e) A summary of argument, suitably paragraphed, which should be a succinct, but accurate and clear, condensation of the argument made in the body of the brief. It should not be a mere repetition of the headings under which the argument is arranged.

(f) The argument, exhibiting clearly the points of fact and of law being presented, citing the authorities relied upon.

(g) A conclusion, specifying the relief to which the party believes himself entitled.

(h) A statement that the party waives oral argument or that the party requests oral argument. A party requesting oral argument may designate whether the party requests oral argument before a 3JX panel or the full court, and may set forth reasons why the party believes oral argument is necessary or will be helpful to the court in deciding the case. If a party requests oral argument before the full court, and if the party believes that more than 15 minutes to a side will be necessary for oral argument, the party may set forth why the party believes that good cause exists for granting additional time. The party shall designate the lawyer to be heard if there are two or more lawyers on the party's side.

(i) A copy of the decision(s) below that are being appealed or reviewed.

(4)(a) The brief of the opposing party shall conform to the foregoing requirements, except that no statement of the case need be made beyond what may be deemed necessary in correcting any inaccuracy or omission in the statement of the other side, and except that subsections (b), (c), and (i) of subsection (3) need not be included unless the opposing party is dissatisfied with their presentation by the other side.

(b) Instead of a brief, the opposing party in a mandatory appeal may file a memorandum of law not to exceed 15 pages in length. A memorandum of law need not comply with the requirements for a brief set forth in this rule, including the requirements that briefs be bound in pamphlet form and have covers. A memorandum of law, however, shall contain: (i) the argument, exhibiting clearly the points of fact and of law being presented, citing the authorities relied upon; and (ii) a conclusion, specifying the relief to which the party believes himself entitled. A party who files a memorandum of law shall be deemed to have consented to the waiver of oral argument.

(5) Reply briefs shall conform to such parts of this rule as are applicable to the briefs of an opposing party, but need not contain a summary of argument, regardless of their length, if appropriately divided by topical headings.

(6) Briefs and memoranda of law must be compact, logically arranged with proper headings, concise and free from burdensome, irrelevant, and

immaterial matter. Briefs and memoranda of law not complying with this section may be disregarded and stricken by the supreme court.

(7) Unless specially ordered otherwise, the original and 8 copies of the opening brief shall be filed with the clerk of the supreme court, in addition, 2 copies with counsel for each party separately represented, 2 copies with each pro se party, and like distribution shall be made of the opposing brief, opposing memorandum of law, or any other brief, all within the times specified in the applicable scheduling order.

The party filing the opening brief may similarly file, and make like distribution of, a reply brief, which shall be filed by the earlier of 20 days following the submission of the opposing brief or opposing memorandum of law, or 10 days before the date of oral argument. A reply brief may be filed after the expiration of the applicable time period only by leave of court. Responses to a reply brief shall not ordinarily be allowed. No response to a reply brief may be filed except by permission of the court received in advance.

Whenever a party desires to present late authorities, newly enacted legislation, or other intervening matters that were not available in time to have been included in his brief, he may similarly file, and make like distribution of, such new matters up to and including the day of oral argument, or by leave of the supreme court thereafter.

The court shall not consider any brief or memorandum of law after a case has been argued or submitted, unless the court has granted to the party offering to file the brief or memorandum of law special leave to do so in advance.

(8) If a cross-appeal is filed, the clerk shall determine which party shall be deemed the moving party for the purposes of this rule, unless the parties agree and so notify the court. The brief of the opposing party shall contain the issues and argument involved in his appeal as well as the answer to the brief of the moving party. The moving party may file an answering brief within the time specified in the scheduling order.

(9) All references in a brief or memorandum of law to the appendix or to the record must be accompanied by the appropriate page number.
Citations to Supreme Court of the United States cases that cannot be made to the official *United States Reports* or to the *Supreme Court Reporter* shall include the month, day, and year of decision or a reference to *United States Law Week*. Citations to other federal decisions not presently reported shall identify the court, docket number, and date.

Citations to the decisions of this court may be to the New Hampshire Reports only. Citations to other State court decisions may either be: (a) to the official report and to the West Reporter system, with the year of decision; or (b) to the West Reporter only, in which case the citation should identify the State court by name or level, and should mention the year of decision.

(10) The party filing a brief or memorandum of law shall conclude the pleading with a certification that the party has hand-delivered or has sent by first class mail two copies of the pleading to the other counsel in the case.

The name of the party filing the brief or memorandum of law and the name of the lawyer representing the party shall appear in type at the conclusion of the pleading, and the lawyer shall sign the pleading. Names of persons not members of the bar or not parties shall not appear on the notice of appeal, the brief, the memorandum of law, or in the appendix unless they have complied with Rule 33 and received prior written approval of the court. *See* Rule 33(2).

If an attorney provided limited representation to an otherwise unrepresented party by drafting a brief or memorandum of law to be filed by such party in a proceeding in which the attorney is not entering any appearance or otherwise appearing in the case in the supreme court, the attorney is not required to disclose the attorney's name on such pleading to be used by that party; any pleading drafted by such limited representation attorney, however, must conspicuously contain the statement "**This pleading was prepared with the assistance of a New Hampshire attorney.**" The unrepresented party must comply with this required disclosure.

(11) Each brief and memorandum of law shall consist of standard sized typewriter characters or size 12 font produced on one side of each leaf only. The text shall be double spaced.

Except by permission of the court received in advance, no reply brief (or response thereto) shall exceed 10 pages, and, except in a case with a cross-appeal, no other brief shall exceed 35 pages, exclusive of pages containing the table of contents, tables of citations, and any addendum containing pertinent texts of constitutions, statutes, rules, regulations, and other such matters. If a cross-appeal is filed, the opening brief and answering brief of the moving party shall not exceed 35 pages, and the opposing brief of the cross-appellant shall not exceed 50 pages, exclusive of pages containing the table of contents, tables of citations, and any addendum containing pertinent texts of constitutions, statutes, rules, regulations, and other such matters. The cross-appellant may file a reply brief, which shall not exceed 10 pages.

(12) Failure of the appealing party to file a brief shall constitute a waiver of the appeal and the case shall be dismissed.

APPENDIX Q

Amend Supreme Court Rule 17 and adopt said rule, as amended, on a permanent basis, as follows:

Unofficial Annotated Version

RULE 17. APPENDIX TO BRIEF

(1) The court will not ordinarily review any part of the record that has not been provided to it in an appendix or transmitted to it. *See* Rule 13(3).

If there is to be an appendix of relevant documents or pleadings, the parties are encouraged to agree on its contents as an addendum to the moving party's brief or as a separate submission, if voluminous. If the moving party's appendix is not deemed to be sufficient, the opposing party may prepare and file an appendix of such additional parts of the record as an addendum to his brief or memorandum of law or, if voluminous, as a separate submission.

(2) The original and ~~12~~ **[8]** copies of an appendix meeting the requirements of ~~rule~~ **[Rule]** 6(2) shall be filed in the office of the clerk of the supreme court and its pages shall be sequentially numbered. The cover of the appendix should be white.

(3) The cost of producing the appendix shall be taxed as costs in the case, but if either party shall cause matter to be included in the appendix unnecessarily, such as the full text of decisions of this court or irrelevant pleadings, the supreme court may impose the cost of producing such parts on that party, even though he may be the prevailing party.

(4) At the beginning of the appendix there shall be inserted a table of contents with references to the page of the appendix at which each item listed in the table of contents begins. When matter contained in the transcript of proceedings is set out in the appendix, the page of the transcript at which such matter may be found shall be indicated in brackets immediately before the matter that is set out. Omissions in the text of papers or of the transcript must be indicated by asterisks. Immaterial formal matters, *e.g.*, captions, subscriptions, acknowledgments, shall be omitted.

~~Transition Period~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case~~

~~docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

Official Version

RULE 17. APPENDIX TO BRIEF

(1) The court will not ordinarily review any part of the record that has not been provided to it in an appendix or transmitted to it. *See* Rule 13(3).

If there is to be an appendix of relevant documents or pleadings, the parties are encouraged to agree on its contents as an addendum to the moving party's brief or as a separate submission, if voluminous. If the moving party's appendix is not deemed to be sufficient, the opposing party may prepare and file an appendix of such additional parts of the record as an addendum to his brief or memorandum of law or, if voluminous, as a separate submission.

(2) The original and 8 copies of an appendix meeting the requirements of Rule 6(2) shall be filed in the office of the clerk of the supreme court and its pages shall be sequentially numbered. The cover of the appendix should be white.

(3) The cost of producing the appendix shall be taxed as costs in the case, but if either party shall cause matter to be included in the appendix unnecessarily, such as the full text of decisions of this court or irrelevant pleadings, the supreme court may impose the cost of producing such parts on that party, even though he may be the prevailing party.

(4) At the beginning of the appendix there shall be inserted a table of contents with references to the page of the appendix at which each item listed in the table of contents begins. When matter contained in the transcript of proceedings is set out in the appendix, the page of the transcript at which such matter may be found shall be indicated in brackets immediately before the matter that is set out. Omissions in the text of papers or of the transcript must be indicated by asterisks. Immaterial formal matters, *e.g.*, captions, subscriptions, acknowledgments, shall be omitted.

APPENDIX R

Amend Supreme Court Rule 18 and adopt said rule, as amended, on a permanent basis, as follows:

Unofficial Annotated Version

RULE 18. ORAL ARGUMENT

(1) ~~Oral argument may be shortened, or dispensed with, by order of the court.~~ **[If the court determines that oral argument shall be held in a case, the parties shall be so notified.]** Oral argument will probably ~~be dispensed with~~ **[not be held]** if the questions of law are not novel, and the briefs adequately cover the arguments; if the questions of law involve no more than an application of settled rules of law to a recurring fact situation; if the sole question of law is the sufficiency of the evidence, the adequacy of instructions to the jury or rulings on the admissibility of evidence, and the briefs refer to the record, which will determine the outcome.

[Comment]

[The court will notify the parties if oral argument is going to be held, but generally will *not* notify the parties that oral argument is not going to be held. Pursuant to Rule 16, the parties have the opportunity in their briefs to request oral argument and to set forth reasons why the party believes oral argument is necessary or will be helpful to the court in deciding the case. After submission of all briefs, the court will generally either issue an order scheduling oral argument, or issue an order disposing of the appeal.]

(2) A party who has not filed a brief shall not be heard orally. A party who has filed a memorandum of law in lieu of a brief shall be deemed to have waived oral argument, but shall be heard orally if oral argument is nevertheless held.

(3) Oral argument shall be limited to not more than 15 minutes to a side (including questions by the court), except that, for good cause shown **[in the party's brief,]** ~~prior to the publication of the oral argument list normally occurring approximately 4 weeks prior to the first day of the session,~~ the ~~clerk~~ **[court]** may grant additional time. **[*See* Rule 16(3)(h).]** Without prior written approval, only one lawyer shall be heard for each side on the oral argument of a case.

If there are cross-appeals, they shall be argued together as one case and in the time of one case. ~~The plaintiff in the case below shall be deemed the party appealing for the purposes of this paragraph, unless the parties agree or the supreme court directs differently.~~

(4) Oral argument shall emphasize and clarify the written argument appearing in the briefs. The supreme court does not favor any oral argument that is read from briefs or from a prepared text.

(5) The party having the opening argument may, at the beginning of the argument, reserve a portion of the party's time for closing argument.

(6) The supreme court may, on its own motion or for good cause shown on motion of either party, advance any case for hearing and prescribe an abbreviated briefing schedule.

(7) A party wishing to waive oral argument may file: (a) a stipulation for submission on briefs without oral argument joined in by all parties not later than ten (10) days prior to the date scheduled for such argument; or (b) a motion to waive oral argument not later than twenty (20) days prior to the date scheduled for such argument. The court may require oral argument notwithstanding the filing of such stipulation or motion.

(8) The supreme court shall make available to the parties, attorneys, and members of the public duplicate copies of the recording of oral argument. Upon receipt of a written request for a duplicate recording of oral argument, the clerk shall release a copy of the recording except that no duplicate of an oral argument made confidential by statute or case law shall be released. The fee for each copy shall be $25.

~~**Transition Period**~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

Official Version

RULE 18. ORAL ARGUMENT

(1) If the court determines that oral argument shall be held in a case, the parties shall be so notified. Oral argument will probably not be held if the questions of law are not novel, and the briefs adequately cover the arguments; if the questions of law involve no more than an application of settled rules of law to a recurring fact situation; if the sole question of law is the sufficiency of the evidence, the adequacy of instructions to the jury or rulings on the

admissibility of evidence, and the briefs refer to the record, which will determine the outcome.

Comment

The court will notify the parties if oral argument is going to be held, but generally will *not* notify the parties that oral argument is not going to be held. Pursuant to Rule 16, the parties have the opportunity in their briefs to request oral argument and to set forth reasons why the party believes oral argument is necessary or will be helpful to the court in deciding the case. After submission of all briefs, the court will generally either issue an order scheduling oral argument, or issue an order disposing of the appeal.

(2) A party who has not filed a brief shall not be heard orally. A party who has filed a memorandum of law in lieu of a brief shall be deemed to have waived oral argument, but shall be heard orally if oral argument is nevertheless held.

(3) Oral argument shall be limited to not more than 15 minutes to a side (including questions by the court), except that, for good cause shown in the party's brief, the court may grant additional time. *See* Rule 16(3)(h). Without prior written approval, only one lawyer shall be heard for each side on the oral argument of a case.

If there are cross-appeals, they shall be argued together as one case and in the time of one case.

(4) Oral argument shall emphasize and clarify the written argument appearing in the briefs. The supreme court does not favor any oral argument that is read from briefs or from a prepared text.

(5) The party having the opening argument may, at the beginning of the argument, reserve a portion of the party's time for closing argument.

(6) The supreme court may, on its own motion or for good cause shown on motion of either party, advance any case for hearing and prescribe an abbreviated briefing schedule.

(7) A party wishing to waive oral argument may file: (a) a stipulation for submission on briefs without oral argument joined in by all parties not later than ten (10) days prior to the date scheduled for such argument; or (b) a motion to waive oral argument not later than twenty (20) days prior to the date scheduled for such argument. The court may require oral argument notwithstanding the filing of such stipulation or motion.

(8) The supreme court shall make available to the parties, attorneys, and members of the public duplicate copies of the recording of oral argument. Upon

receipt of a written request for a duplicate recording of oral argument, the clerk shall release a copy of the recording except that no duplicate of an oral argument made confidential by statute or case law shall be released. The fee for each copy shall be $25.

APPENDIX S

Amend Supreme Court Rule 20 as follows:

Unofficial Annotated Version

RULE 20. COPY OF OPINION[; NONPRECEDENTIAL STATUS OF ORDERS]

[(1)] In each case, the clerk of the supreme court shall distribute without charge to counsel of record for each party one copy of the opinion filed by the court and of the order made.

[(2) Nonprecedential Status of Orders. An order disposing of any case that has been briefed but in which no opinion is issued, whether or not oral argument has been held, shall have no precedential value and shall not be cited in any pleadings or rulings in any court in this state; provided, however, that such order may be cited and shall be controlling with respect to issues of claim preclusion, law of the case and similar issues involving the parties or facts of the case in which the order was issued. *See also* Rule 12-D(3).]

Official Version

RULE 20. COPY OF OPINION; NONPRECEDENTIAL STATUS OF ORDERS

(1) In each case, the clerk of the supreme court shall distribute without charge to counsel of record for each party one copy of the opinion filed by the court and of the order made.

(2) Nonprecedential Status of Orders. An order disposing of any case that has been briefed but in which no opinion is issued, whether or not oral argument has been held, shall have no precedential value and shall not be cited in any pleadings or rulings in any court in this state; provided, however, that such order may be cited and shall be controlling with respect to issues of claim preclusion, law of the case and similar issues involving the parties or facts of the case in which the order was issued. *See also* Rule 12-D(3).

APPENDIX T

Amend Supreme Court Rule 21 as follows, adopting new paragraph 6-A on a temporary basis, and adopting the remainder of Rule 21 on a permanent basis.

Unofficial Annotated Version

RULE 21. MOTIONS[,] ~~AND~~ BRIEF MEMORANDA[, AND EXTENSIONS OF TIME TO FILE BRIEFS]

(1) Motions relating to substance shall be entered upon the filing with the clerk of the supreme court of the original and 7 copies of the motion and a signed statement by counsel that a copy of the motion and notice of the filing have been mailed first class or delivered to opposing counsel. *See* ~~rule~~ **[Rule]** 26. Motions shall be upon good quality, nonclinging paper 8 ½ by 11 inches in size. They shall consist of standard size typewriter characters or size 12 font produced on one side of each leaf only. The text shall be double spaced and they shall have sequentially numbered pages.

(2) Every motion to the court shall state with particularity the grounds on which it is based and the order or relief sought. A memorandum of law, affidavits, or other papers in support of the motion may be filed with it.

(3) The original and 7 copies of objections to a motion relating to substance may be filed within 10 days from the date the motion has been filed in the clerk's office. The grounds of objections shall be stated with particularity. A memorandum of law, affidavits, or other papers in support of the objections may be filed with the objections.

(3-A) No reply to an objection may be filed without permission of the court received in advance. A motion for permission to file a reply must be filed within 10 days from the date the objection has been filed in the clerk's office; provided, however, that the court may act upon a motion prior to the expiration of said ten-day period. Any reply to an objection filed without prior permission of the court shall not be considered by the court.

(4) Oral argument will not be heard on any motion, except at the invitation of the court.

(5) If a motion does not relate to substance, but relates solely to scheduling or procedure, an original and one copy shall be filed with the clerk of the supreme court, with copies to opposing counsel. *See* ~~rule~~ **[Rule]** 26. All

motions relating solely to scheduling or procedure shall state whether opposing counsel consents.

(6) No motion to extend time to file an appeal document will be accepted unless accompanied by the required entry fee. *See also* ~~rule~~ **[Rule]** 5(1). No motion for late entry of an appeal document will be accepted unless accompanied by the appeal document and the required entry fee and unless the appeal document conforms to applicable rules. **Motions to extend time to file an appeal document and motions for late entry of an appeal document are not favored and shall be granted only upon a showing of exceptional circumstances. No court or agency other than the supreme court may extend the time to file an appeal document in the supreme court or permit late entry of an appeal document in the supreme court.**

[(6-A). ***Extensions of time to file briefs.***

(a) Unless the scheduling order states otherwise, any party may obtain an automatic extension of no more than fifteen days within which to file briefs (or memoranda of law) by filing an original and one copy of an assented-to notice of automatic extension of time. The notice shall affirmatively state that all parties assent to the extension, and the notice MUST set forth the new dates upon which all briefs (or memoranda of law) for all parties shall be due, including the date for reply briefs. No such date shall be extended by more than fifteen days. Upon the filing of the notice, the new briefing schedule set forth therein shall become effective without further order of the court.

(b) A maximum of two assented-to notices of automatic extension of time may be filed by the parties collectively. Thereafter, no additional extension of time will be granted by the court absent a showing of extraordinary circumstances.

(c) Extensions of time of more than fifteen days, or extensions when all parties do not consent, may be requested only by motion to the court. Extensions of more than fifteen days are not favored.]

(7) A single justice may rule on all non-dispositive motions and may issue any non-dispositive order. A single justice may rule upon requests to withdraw or dismiss an appeal filed by the appellant, may dismiss an appeal pursuant to Rule 5(4), Rule 15(2) or Rule 16(12); and may dismiss an appeal without prejudice upon procedural grounds. Any order of a single justice shall state which justice so ruled.

(8) The clerk of the supreme court may rule on all motions relating to scheduling except for motions for expedited consideration, motions to extend time to file an appeal document, and motions for late entry of an appeal

document. The clerk may issue briefing and other scheduling orders. **[The clerk may issue orders requiring parties to file necessary documents with the court or to cure technical defects in filings, including orders requiring parties to refile a notice of appeal on the proper form.]** The clerk may grant or refer to the court dispositive motions to which all parties consent, and non-dispositive motions to which no objection is filed or all parties consent except for motions to extend time to file an appeal document and motions for late entry of an appeal document. With respect to other motions filed between the issuance of the scheduling order pursuant to Rule 12-B and the date of oral argument **[or submission of the case on the briefs]**, the clerk may refer such motions to the court or issue an order to the effect that no ruling will be made on the motion prior to oral argument **[or submission of the case on the briefs,]** but that the parties may address the motion during their allotted oral argument time **[if oral argument is held]**. In mandatory appeals, the clerk may issue orders accepting the case. Any order of the clerk shall state that it is issued pursuant to this rule.

(9) Any motion to reconsider an order issued by a single justice or the clerk shall be filed within ten days from the date of the issuance of the order. A motion to reconsider an order issued by a single justice shall be referred to the court for decision. A motion to reconsider an order issued by the clerk shall be referred to a single justice or to the court for decision.

(10) Whenever the court issues an order requiring or permitting a party to file a brief memorandum, the brief memorandum shall be entered upon the filing with the clerk of the supreme court of the original and 7 copies of the brief memorandum and a signed statement by counsel that a copy of the brief memorandum and notice of the filing have been mailed first class or delivered to opposing counsel. *See* ~~rule~~ **[Rule]** 26. Brief memoranda shall be upon good quality, nonclinging paper 8 ½ by 11 inches in size. They shall consist of standard size typewriter characters or size 12 font produced on one side of each leaf only. The text shall be double spaced and they shall have sequentially numbered pages.

[(11) Any order or decision by the court disposing of the case on the merits shall be deemed to be a denial of any pending non-dispositive motion.]

~~Transition Period~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

Official Version

RULE 21. MOTIONS, BRIEF MEMORANDA, AND EXTENSIONS OF TIME TO FILE BRIEFS

(1) Motions relating to substance shall be entered upon the filing with the clerk of the supreme court of the original and 7 copies of the motion and a signed statement by counsel that a copy of the motion and notice of the filing have been mailed first class or delivered to opposing counsel. *See* Rule 26. Motions shall be upon good quality, nonclinging paper 8 ½ by 11 inches in size. They shall consist of standard size typewriter characters or size 12 font produced on one side of each leaf only. The text shall be double spaced and they shall have sequentially numbered pages.

(2) Every motion to the court shall state with particularity the grounds on which it is based and the order or relief sought. A memorandum of law, affidavits, or other papers in support of the motion may be filed with it.

(3) The original and 7 copies of objections to a motion relating to substance may be filed within 10 days from the date the motion has been filed in the clerk's office. The grounds of objections shall be stated with particularity. A memorandum of law, affidavits, or other papers in support of the objections may be filed with the objections.

(3-A) No reply to an objection may be filed without permission of the court received in advance. A motion for permission to file a reply must be filed within 10 days from the date the objection has been filed in the clerk's office; provided, however, that the court may act upon a motion prior to the expiration of said ten-day period. Any reply to an objection filed without prior permission of the court shall not be considered by the court.

(4) Oral argument will not be heard on any motion, except at the invitation of the court.

(5) If a motion does not relate to substance, but relates solely to scheduling or procedure, an original and one copy shall be filed with the clerk of the supreme court, with copies to opposing counsel. *See* Rule 26. All motions relating solely to scheduling or procedure shall state whether opposing counsel consents.

(6) No motion to extend time to file an appeal document will be accepted unless accompanied by the required entry fee. *See also* Rule 5(1). No motion for late entry of an appeal document will be accepted unless accompanied by the

appeal document and the required entry fee and unless the appeal document conforms to applicable rules. **Motions to extend time to file an appeal document and motions for late entry of an appeal document are not favored and shall be granted only upon a showing of exceptional circumstances. No court or agency other than the supreme court may extend the time to file an appeal document in the supreme court or permit late entry of an appeal document in the supreme court.**

(6-A). *Extensions of time to file briefs*.

(a) Unless the scheduling order states otherwise, any party may obtain an automatic extension of no more than fifteen days within which to file briefs (or memoranda of law) by filing an original and one copy of an assented-to notice of automatic extension of time. The notice shall affirmatively state that all parties assent to the extension, and the notice MUST set forth the new dates upon which all briefs (or memoranda of law) for all parties shall be due, including the date for reply briefs. No such date shall be extended by more than fifteen days. Upon the filing of the notice, the new briefing schedule set forth therein shall become effective without further order of the court.

(b) A maximum of two assented-to notices of automatic extension of time may be filed by the parties collectively. Thereafter, no additional extension of time will be granted by the court absent a showing of extraordinary circumstances.

(c) Extensions of time of more than fifteen days, or extensions when all parties do not consent, may be requested only by motion to the court. Extensions of more than fifteen days are not favored.

(7) A single justice may rule on all non-dispositive motions and may issue any non-dispositive order. A single justice may rule upon requests to withdraw or dismiss an appeal filed by the appellant, may dismiss an appeal pursuant to Rule 5(4), Rule 15(2) or Rule 16(12); and may dismiss an appeal without prejudice upon procedural grounds. Any order of a single justice shall state which justice so ruled.

(8) The clerk of the supreme court may rule on all motions relating to scheduling except for motions for expedited consideration, motions to extend time to file an appeal document, and motions for late entry of an appeal document. The clerk may issue briefing and other scheduling orders. The clerk may issue orders requiring parties to file necessary documents with the court or to cure technical defects in filings, including orders requiring parties to refile a notice of appeal on the proper form. The clerk may grant or refer to the court dispositive motions to which all parties consent, and non-dispositive motions to which no objection is filed or all parties consent except for motions to extend time to file an appeal document and motions for late entry of an appeal document. With respect to other motions filed between the issuance of the

scheduling order pursuant to Rule 12-B and the date of oral argument or submission of the case on the briefs, the clerk may refer such motions to the court or issue an order to the effect that no ruling will be made on the motion prior to oral argument or submission of the case on the briefs, but that the parties may address the motion during their allotted oral argument time if oral argument is held. In mandatory appeals, the clerk may issue orders accepting the case. Any order of the clerk shall state that it is issued pursuant to this rule.

(9) Any motion to reconsider an order issued by a single justice or the clerk shall be filed within ten days from the date of the issuance of the order. A motion to reconsider an order issued by a single justice shall be referred to the court for decision. A motion to reconsider an order issued by the clerk shall be referred to a single justice or to the court for decision.

(10) Whenever the court issues an order requiring or permitting a party to file a brief memorandum, the brief memorandum shall be entered upon the filing with the clerk of the supreme court of the original and 7 copies of the brief memorandum and a signed statement by counsel that a copy of the brief memorandum and notice of the filing have been mailed first class or delivered to opposing counsel. *See* Rule 26. Brief memoranda shall be upon good quality, nonclinging paper 8 ½ by 11 inches in size. They shall consist of standard size typewriter characters or size 12 font produced on one side of each leaf only. The text shall be double spaced and they shall have sequentially numbered pages.

(11) Any order or decision by the court disposing of the case on the merits shall be deemed to be a denial of any pending non-dispositive motion.

APPENDIX U

Amend Supreme Court Rule 22(2) and 22(5) as follows:

Unofficial Annotated Version

(2) ~~No~~ **[Any]** motion for rehearing or reconsideration ~~will be accepted unless it has been~~ **[shall be]** filed within 10 days from the date of the opinion or dismissal or summary decision in matters in which an opinion is not issued. The motion shall state with particularity the points of law or fact that in the professional judgment of the movant the court has overlooked or misapprehended and shall contain such argument in support of the motion as the movant desires to present, but the motion shall not exceed 10 pages. Oral argument in support of the motion shall not be permitted, except at the invitation of the court.

. . . .

(5) Consecutive motions for rehearing or reconsideration shall not be ~~accepted~~ **[considered or acted upon by the court]**.

Official Version

(2) Any motion for rehearing or reconsideration shall be filed within 10 days from the date of the opinion or dismissal or summary decision in matters in which an opinion is not issued. The motion shall state with particularity the points of law or fact that in the professional judgment of the movant the court has overlooked or misapprehended and shall contain such argument in support of the motion as the movant desires to present, but the motion shall not exceed 10 pages. Oral argument in support of the motion shall not be permitted, except at the invitation of the court.

. . . .

(5) Consecutive motions for rehearing or reconsideration shall not be considered or acted upon by the court.

APPENDIX V

Amend the title of Supreme Court Rule 23 as follows:

Unofficial Annotated Version

RULE 23. TAXATION OF COSTS; WAIVER[; ATTORNEY'S FEES]

Official Version

RULE 23. TAXATION OF COSTS; WAIVER; ATTORNEY'S FEES

APPENDIX W

Amend Supreme Court Rule 24 as follows:

Unofficial Annotated Version

RULE 24. MANDATE

(1) Within 7 days after the time to file a motion for rehearing or reconsideration has expired, or within 7 days after issuance of an order denying a timely motion for rehearing or reconsideration, whichever is later, the clerk of the supreme court shall forward to the clerk of the ~~lower~~ **[trial]** court or of the administrative agency a mandate. The court may shorten or extend this period of time.

(2) Unless the court directs that a formal mandate issue, the mandate shall consist of a certified copy of the court's opinion or final order.

(3) The mandate is effective when issued.

[(4) Pleadings filed after the mandate has issued may not be considered or acted upon by the court.]

Official Version

RULE 24. MANDATE

(1) Within 7 days after the time to file a motion for rehearing or reconsideration has expired, or within 7 days after issuance of an order denying a timely motion for rehearing or reconsideration, whichever is later, the clerk of the supreme court shall forward to the clerk of the trial court or of the administrative agency a mandate. The court may shorten or extend this period of time.

(2) Unless the court directs that a formal mandate issue, the mandate shall consist of a certified copy of the court's opinion or final order.

(3) The mandate is effective when issued.

(4) Pleadings filed after the mandate has issued may not be considered or acted upon by the court.

APPENDIX X

Amend Supreme Court Rule 25 and adopt said rule, as amended, on a permanent basis as follows:

Unofficial Annotated Version

RULE 25. SUMMARY DISPOSITION

(1) Except in a mandatory appeal, the supreme court may at any time, on its own motion and without notice or on such notice as it may order, dispose of a case, or any question raised therein, summarily. An order of summary affirmance under this rule may be entered when (a) no substantial question of law is presented and the supreme court does not disagree with the result below, or (b) the case includes the opinion of the ~~lower~~ **[trial]** court, which identifies and discusses the issues presented and with which the supreme court does not disagree, or (c) the case includes the decision of the administrative agency appealed from, and no substantial question of law is presented and the supreme court does not find the decision unjust or unreasonable, or (d) other just cause exists for summary affirmance, in which case the order shall contain a succinct statement of the reason for affirmance. An order of summary dismissal under this rule may be entered when the supreme court has not considered the merits, because the court clearly lacks jurisdiction, or other just cause for summary dismissal exists, in which case the order shall contain a succinct statement of the reason for dismissal. An order of summary reversal may be made by the supreme court under this rule for just cause and the order shall contain a succinct statement of the reason therefor.

(2) Except in a mandatory appeal, a party may move for summary disposition of a docketed case by filing an original and 7 copies of a motion for summary reversal or affirmance within 20 days of the filing of the appeal. ~~He~~ **[The party]** shall serve a copy of the motion on the opposing party. No motion for summary disposition of a docketed case shall be accepted after 20 days from the filing of the appeal, except if such motion is for the purpose of bringing to the court's attention the effect that an opinion issued since the filing of the docketed case may have on the docketed case. The opposing party has 10 days from the date of filing of any motion for summary disposition within which to file an original and 7 copies of a response to the motion. The supreme court may at any time, on such motion or response or both, or on its own motion, without notice or on such notice as the court may order, dispose of the case summarily.

(3) The motion for summary disposition and the response to it may each be accompanied by an original and 7 copies of a memorandum of law.

(4) The filing of a motion for summary disposition and of a response shall not toll any time limitations established by law, rule, or order.

(5) Cases summarily disposed of under this rule shall not be regarded as establishing precedent or be cited as authority.

(6) In a mandatory appeal, no motions for summary affirmance or summary reversal shall be filed. No such motion shall be considered or acted upon by the court.

(7) In a mandatory appeal, any party may file a motion to dismiss the appeal based upon lack of subject matter jurisdiction, mootness, untimeliness, or other cause unrelated to the merits of the appeal. The court may, without the issuance of any order, defer ruling upon the motion until after briefs are filed and oral argument, if any, is held. Any order or decision by the court disposing of the case on the merits shall be deemed to be a denial of any pending motion to dismiss.

In a mandatory appeal, the supreme court may at any time, on its own motion and without notice or on such notice as it may order, dismiss the appeal based upon lack of subject matter jurisdiction, mootness, untimeliness, or other cause unrelated to the merits of the appeal.

(8) The supreme court may, after briefing, oral argument (if any), and consideration of the record on appeal, decide a case on the merits, or any question therein, without a statement of reasons, except that an order reversing the decision below shall contain a succinct statement of the reason therefor.

~~Transition Period~~

~~The amendments to Supreme Court Rules 3, 5, 6, 7, 10, 13, 15, 16, 17, 18, 21, and 25 that take effect on January 1, 2004, shall apply to any case first docketed in the supreme court on or after January 1, 2004; that is, any case with a docket number of "2004-XXXX." Any case docketed in the supreme court prior to January 1, 2004, *e.g.*, cases with docket numbers such as "2003-XXXX" or "2002-XXXX," shall not be governed by the aforesaid amendments.~~

Official Version

RULE 25. SUMMARY DISPOSITION

(1) Except in a mandatory appeal, the supreme court may at any time, on its own motion and without notice or on such notice as it may order, dispose of a case, or any question raised therein, summarily. An order of summary affirmance under this rule may be entered when (a) no substantial question of law is presented and the supreme court does not disagree with the result below, or (b) the case includes the opinion of the trial court, which identifies and discusses the issues presented and with which the supreme court does not disagree, or (c) the case includes the decision of the administrative agency appealed from, and no substantial question of law is presented and the supreme court does not find the decision unjust or unreasonable, or (d) other just cause exists for summary affirmance, in which case the order shall contain a succinct statement of the reason for affirmance. An order of summary dismissal under this rule may be entered when the supreme court has not considered the merits, because the court clearly lacks jurisdiction, or other just cause for summary dismissal exists, in which case the order shall contain a succinct statement of the reason for dismissal. An order of summary reversal may be made by the supreme court under this rule for just cause and the order shall contain a succinct statement of the reason therefor.

(2) Except in a mandatory appeal, a party may move for summary disposition of a docketed case by filing an original and 7 copies of a motion for summary reversal or affirmance within 20 days of the filing of the appeal. The party shall serve a copy of the motion on the opposing party. No motion for summary disposition of a docketed case shall be accepted after 20 days from the filing of the appeal, except if such motion is for the purpose of bringing to the court's attention the effect that an opinion issued since the filing of the docketed case may have on the docketed case. The opposing party has 10 days from the date of filing of any motion for summary disposition within which to file an original and 7 copies of a response to the motion. The supreme court may at any time, on such motion or response or both, or on its own motion, without notice or on such notice as the court may order, dispose of the case summarily.

(3) The motion for summary disposition and the response to it may each be accompanied by an original and 7 copies of a memorandum of law.

(4) The filing of a motion for summary disposition and of a response shall not toll any time limitations established by law, rule, or order.

(5) Cases summarily disposed of under this rule shall not be regarded as establishing precedent or be cited as authority.

(6) In a mandatory appeal, no motions for summary affirmance or summary reversal shall be filed. No such motion shall be considered or acted upon by the court.

(7) In a mandatory appeal, any party may file a motion to dismiss the appeal based upon lack of subject matter jurisdiction, mootness, untimeliness, or other cause unrelated to the merits of the appeal. The court may, without the issuance of any order, defer ruling upon the motion until after briefs are filed and oral argument, if any, is held. Any order or decision by the court disposing of the case on the merits shall be deemed to be a denial of any pending motion to dismiss.

In a mandatory appeal, the supreme court may at any time, on its own motion and without notice or on such notice as it may order, dismiss the appeal based upon lack of subject matter jurisdiction, mootness, untimeliness, or other cause unrelated to the merits of the appeal.

(8) The supreme court may, after briefing, oral argument (if any), and consideration of the record on appeal, decide a case on the merits, or any question therein, without a statement of reasons, except that an order reversing the decision below shall contain a succinct statement of the reason therefor.

APPENDIX Y

Amend Supreme Court Rule 26 by adding a **new** paragraph (4-A) as follows:

Official Version

(4-A) When an attorney provides limited representation to an otherwise unrepresented party by drafting a document to be filed by such party with the supreme court in a proceeding in which the attorney is not entering any appearance or otherwise appearing in the case in the supreme court, the attorney is not required to disclose the attorney's name on such pleading to be used by that party; any pleading drafted by such limited representation attorney, however, must conspicuously contain the statement **"This pleading was prepared with the assistance of a New Hampshire attorney."** The unrepresented party must comply with this required disclosure.

APPENDIX Z

Amend Supreme Court Rule 27 as follows:

Unofficial Annotated Version

RULE 27. COMPUTATION AND EXTENSION OF TIME

(1) In computing any period of time prescribed or allowed by these rules, by order of court, or by applicable law, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, ~~or a~~ legal holiday, **[or other day upon which the clerk's office is closed,]** in which event the period shall extend until the end of the next day that is not a Saturday, Sunday, ~~or a~~ legal holiday**[, or other day upon which the clerk's office is not closed.]** ~~as specified in RSA ch. 288, as amended~~.

(2) Motions to enlarge the time prescribed by these rules or by court order for doing any act are not favored. **[*See also* Rule 21(6) (addressing motions to extend time to file appeal document and motions for late entry of appeal document), *and* Rule 21(6-A) (addressing extensions of time to file briefs).]**

Official Version

RULE 27. COMPUTATION AND EXTENSION OF TIME

(1) In computing any period of time prescribed or allowed by these rules, by order of court, or by applicable law, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, legal holiday, or other day upon which the clerk's office is closed, in which event the period shall extend until the end of the next day that is not a Saturday, Sunday, legal holiday, or other day upon which the clerk's office is not closed.

(2) Motions to enlarge the time prescribed by these rules or by court order for doing any act are not favored. *See also* Rule 21(6) (addressing motions to extend time to file appeal document and motions for late entry of appeal document), *and* Rule 21(6-A) (addressing extensions of time to file briefs).

APPENDIX AA

Amend Supreme Court Rule 28(1)(a) as follows:

Unofficial Annotated Version

RULE 28. PARTIES' DESIGNATION

(1) (a) In a case entered by a petition requesting the supreme court to exercise its original jurisdiction, the party filing the petition shall be designated as the plaintiff, even though the party may have filed the petition in the supreme court by reason of proceedings pending in a ~~lower~~ **[trial]** court or in an administrative agency in which the party is the defendant. In all other types of cases entered, the parties shall retain their ~~lower~~ **[trial]** court or administrative agency designations as plaintiffs and defendants.

Official Version

RULE 28. PARTIES' DESIGNATION

(1) (a) In a case entered by a petition requesting the supreme court to exercise its original jurisdiction, the party filing the petition shall be designated as the plaintiff, even though the party may have filed the petition in the supreme court by reason of proceedings pending in a trial court or in an administrative agency in which the party is the defendant. In all other types of cases entered, the parties shall retain their trial court or administrative agency designations as plaintiffs and defendants.

APPENDIX BB

Amend Supreme Court Rule 32 as follows:

Unofficial Annotated Version

RULE 32. COUNSEL IN CRIMINAL CASES

(1) Whether retained by the defendant or appointed by a ~~lower~~ **[trial]** court, trial counsel in a criminal case shall be responsible for representing the defendant in the supreme court unless the supreme court relieves counsel from this responsibility for good cause shown.

(2) A motion to withdraw as counsel on appeal in a criminal case must state reasons that would warrant the grant of leave to withdraw. Unless prior approval has been obtained from the court for good cause shown upon exceptional circumstances, the motion must be accompanied by either:

(a) A showing that new counsel has been appointed or retained to represent the defendant; or

(b) The defendant's completed petition for appointment of counsel or a showing that a petition has been filed.

(3) Trial counsel shall continue to participate until and unless the motion to withdraw is approved by the supreme court.

(4) Indigent defense cases appealed to the supreme court must be accompanied by petitions for either initial assignment or continued assignment of counsel (OAS Form #204-1081) together with a current financial affidavit ~~or a photocopy of same~~.

Except in exceptional circumstances, the clerk's office will process the application for assignment of counsel within 30 days of the receipt of the notice of appeal and petition for assignment of counsel, together with affidavit.

(5) Maximum counsel fee for appeals to the supreme court in assigned counsel cases shall be $1,500.00.

Official Version

RULE 32. COUNSEL IN CRIMINAL CASES

(1) Whether retained by the defendant or appointed by a trial court, trial counsel in a criminal case shall be responsible for representing the defendant in the supreme court unless the supreme court relieves counsel from this responsibility for good cause shown.

(2) A motion to withdraw as counsel on appeal in a criminal case must state reasons that would warrant the grant of leave to withdraw. Unless prior approval has been obtained from the court for good cause shown upon exceptional circumstances, the motion must be accompanied by either:

(a) A showing that new counsel has been appointed or retained to represent the defendant; or

(b) The defendant's completed petition for appointment of counsel or a showing that a petition has been filed.

(3) Trial counsel shall continue to participate until and unless the motion to withdraw is approved by the supreme court.

(4) Indigent defense cases appealed to the supreme court must be accompanied by petitions for either initial assignment or continued assignment of counsel (OAS Form #204-1081) together with a current financial affidavit.

Except in exceptional circumstances, the clerk's office will process the application for assignment of counsel within 30 days of the receipt of the notice of appeal and petition for assignment of counsel, together with affidavit.

(5) Maximum counsel fee for appeals to the supreme court in assigned counsel cases shall be $1,500.00.

APPENDIX CC

Amend Supreme Court Rule 32-A as follows:

Unofficial Annotated Version

RULE 32-A. COUNSEL IN GUARDIANSHIP, INVOLUNTARY ADMISSION, AND TERMINATION OF PARENTAL RIGHTS CASES

(1) Whether retained by the defendant or appointed by a ~~lower~~ **[trial]** court, trial counsel in a guardianship case commenced by the filing of a petition pursuant to RSA 464-A:4 or RSA 464-A:12, an involuntary admission case commenced by the filing of a petition pursuant to RSA 135-C:36, or a termination of parental rights case commenced by the filing of a petition pursuant to RSA 170-C:4, shall be responsible for representing the defendant in the supreme court unless the supreme court relieves counsel from this responsibility for good cause shown. When the defendant clearly indicates to counsel a desire to appeal, counsel shall be responsible for the filing of a notice of appeal. Provided, however, that if counsel concludes that the appeal is frivolous, counsel must first attempt to persuade the defendant not to appeal. If, however, the defendant insists on appealing, counsel shall file the notice of appeal, setting forth therein all arguable issues. If counsel is thereafter ordered to file a brief, counsel shall examine the record and again determine whether any nonfrivolous arguments exist. If counsel concludes that the appeal is frivolous, counsel shall again advise the defendant to withdraw the appeal. If the defendant decides not to withdraw the appeal, counsel shall file a brief that argues the defendant's case as well as possible. In such a case, the assertion of a frivolous issue before the court shall not constitute a violation of New Hampshire Rule of Professional Conduct 3.1. However, in no case shall counsel deceive or mislead the court, or deliberately omit facts or authority that directly contradict counsel's arguments. *Cf. State v. Cigic*, 138 N.H. 313, 318 (1994) (explaining scope of exception to Professional Conduct Rule 3.1 for asserting frivolous issues in criminal appeals).

(2) A motion to withdraw as counsel on appeal in a guardianship case commenced by the filing of a petition pursuant to RSA 464-A:4 or RSA 464-A:12, an involuntary admission case commenced by the filing of a petition pursuant to RSA 135-C:36, or a termination of parental rights case commenced by the filing of a petition pursuant to RSA 170-C:4, must state reasons that would warrant the grant of leave to withdraw. Absent a showing of exceptional circumstances, the motion must be accompanied by a showing that new counsel has been appointed by the trial court or retained to represent the defendant on appeal.

(3) Trial counsel shall continue to participate until and unless the motion to withdraw is approved by the supreme court.

(4) Indigent cases appealed to the supreme court must be accompanied by petitions for either initial assignment or continued assignment of counsel together with a current financial affidavit ~~or a photocopy of same~~.

Official Annotated Version

RULE 32-A. COUNSEL IN GUARDIANSHIP, INVOLUNTARY ADMISSION, AND TERMINATION OF PARENTAL RIGHTS CASES

(1) Whether retained by the defendant or appointed by a trial court, trial counsel in a guardianship case commenced by the filing of a petition pursuant to RSA 464-A:4 or RSA 464-A:12, an involuntary admission case commenced by the filing of a petition pursuant to RSA 135-C:36, or a termination of parental rights case commenced by the filing of a petition pursuant to RSA 170-C:4, shall be responsible for representing the defendant in the supreme court unless the supreme court relieves counsel from this responsibility for good cause shown. When the defendant clearly indicates to counsel a desire to appeal, counsel shall be responsible for the filing of a notice of appeal. Provided, however, that if counsel concludes that the appeal is frivolous, counsel must first attempt to persuade the defendant not to appeal. If, however, the defendant insists on appealing, counsel shall file the notice of appeal, setting forth therein all arguable issues. If counsel is thereafter ordered to file a brief, counsel shall examine the record and again determine whether any nonfrivolous arguments exist. If counsel concludes that the appeal is frivolous, counsel shall again advise the defendant to withdraw the appeal. If the defendant decides not to withdraw the appeal, counsel shall file a brief that argues the defendant's case as well as possible. In such a case, the assertion of a frivolous issue before the court shall not constitute a violation of New Hampshire Rule of Professional Conduct 3.1. However, in no case shall counsel deceive or mislead the court, or deliberately omit facts or authority that directly contradict counsel's arguments. *Cf. State v. Cigic*, 138 N.H. 313, 318 (1994) (explaining scope of exception to Professional Conduct Rule 3.1 for asserting frivolous issues in criminal appeals).

(2) A motion to withdraw as counsel on appeal in a guardianship case commenced by the filing of a petition pursuant to RSA 464-A:4 or RSA 464-A:12, an involuntary admission case commenced by the filing of a petition pursuant to RSA 135-C:36, or a termination of parental rights case commenced by the filing of a petition pursuant to RSA 170-C:4, must state reasons that would warrant the grant of leave to withdraw. Absent a showing of exceptional circumstances, the motion must be accompanied by a showing that new

counsel has been appointed by the trial court or retained to represent the defendant on appeal.

(3) Trial counsel shall continue to participate until and unless the motion to withdraw is approved by the supreme court.

(4) Indigent cases appealed to the supreme court must be accompanied by petitions for either initial assignment or continued assignment of counsel together with a current financial affidavit.

APPENDIX DD

Amend Supreme Court Rule 33 by adding a **new** paragraph (3) as follows:

Official Version

(3) When an attorney provides limited representation to an otherwise unrepresented party by drafting a document to be filed by such party with the supreme court in a proceeding in which the attorney is not entering any appearance or otherwise appearing in the case in the supreme court, the attorney is not required to disclose the attorney's name on such pleading to be used by that party; any pleading drafted by such limited representation attorney, however, must conspicuously contain the statement **"This pleading was prepared with the assistance of a New Hampshire attorney."** The unrepresented party must comply with this required disclosure.

APPENDIX EE

Adopt a Rule 7 Notice of Discretionary Appeal form on a permanent basis as follows:

NEW HAMPSHIRE SUPREME COURT
RULE 7 NOTICE OF DISCRETIONARY APPEAL

This form should be used only for an appeal from a final decision on the merits issued by a superior court, district court, probate court or family division court in: (1) a post-conviction review proceeding; (2) a proceeding involving the collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; (6) a probation revocation proceeding; or (7) a landlord/tenant or a possessory action filed under RSA chapter 540.

1. COMPLETE CASE TITLE AND DOCKET NUMBERS IN TRIAL COURT

2. COURT APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)

3A. NAME AND ADDRESS OF APPEALING PARTY. IF REPRESENTING SELF, PROVIDE TELEPHONE NUMBER.

3B. NAME, FIRM NAME, ADDRESS AND TELEPHONE NUMBER OF APPEALING PARTY'S COUNSEL

4A. NAME AND ADDRESS OF OPPOSING PARTY

4B. NAME, FIRM NAME, ADDRESS AND TELEPHONE NUMBER OF OPPOSING PARTY'S COUNSEL

5. NAMES OF ALL OTHER PARTIES AND COUNSEL IN TRIAL COURT

6. DATE OF CLERK'S NOTICE OF DECISION OR SENTENCING.

DATE OF CLERK'S NOTICE OF DECISION ON POST-TRIAL MOTION, IF ANY.

7. CRIMINAL CASES: DEFENDANT'S SENTENCE AND BAIL STATUS

8. APPELLATE DEFENDER REQUESTED?
IF SO, CITE STATUTE OR OTHER LEGAL AUTHORITY UPON WHICH CRIMINAL LIABILITY WAS BASED AND ATTACH FINANCIAL AFFIDAVIT (OCC FORM 4)

9. IS ANY PART OF CASE CONFIDENTIAL? IF SO, IDENTIFY WHICH PART AND CITE AUTHORITY FOR CONFIDENTIALITY. SEE SUPREME COURT RULE 12.

10. IF ANY PARTY IS A CORPORATION, LIST THE NAMES OF PARENTS, SUBSIDIARIES AND AFFILIATES.

11. DO YOU KNOW OF ANY REASON WHY ONE OR MORE OF THE SUPREME COURT JUSTICES WOULD BE DISQUALIFIED FROM THIS CASE? _____YES _____NO
IF YOUR ANSWER IS YES, YOU MUST FILE A MOTION FOR RECUSAL IN ACCORDANCE WITH SUPREME COURT RULE 21A.

12. IS A TRANSCRIPT OF TRIAL COURT PROCEEDINGS NECESSARY FOR THIS APPEAL?
_____YES _____NO
IF YOUR ANSWER IS YES, YOU MUST COMPLETE THE TRANSCRIPT ORDER FORM ON PAGE 4 OF THIS FORM.

13. NATURE OF CASE AND RESULT (Limit two pages double-spaced; please attach.)

14. ISSUES ON APPEAL (Limit eight pages double-spaced; please attach.)

The New Hampshire Supreme Court reviews each discretionary notice of appeal and decides whether to accept the case, or some issues in the case, for appellate review. The following acceptance criteria, while neither controlling nor fully describing the court's discretion, indicate the character of the reasons that will be considered.

1. The case raises a question of first impression, a novel question of law, an issue of broad public interest, an important state or federal constitutional matter, or an issue on which there are conflicting decisions in New Hampshire courts.
2. The decision below conflicts with a statute or with prior decisions of this court.
3. The decision below is erroneous, illegal, unreasonable or was an unsustainable exercise of discretion.

Separately number each issue you are appealing and for each issue: (a) state the issue; (b) explain why the acceptance criteria listed above support acceptance of that issue; and (c) if a ground for appeal is legal sufficiency of evidence include a succinct statement of why the evidence is alleged to be insufficient as a matter of law.

15. ATTACHMENTS

Attach to this notice of appeal the following documents in order: (1) a copy of the trial court decision or order from which you are appealing; (2) the clerk's notice of the decision below; (3) any court order deciding a timely post-trial motion; and (4) the clerk's notice of any order deciding a timely post-trial motion.

Do not attach any other documents to this notice of appeal. Any other documents you wish to submit must be included in a separately bound Appendix, which must have a table of contents on the cover and consecutively numbered pages.

16. CERTIFICATIONS

I hereby certify that every issue specifically raised has been presented to the court below and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

_____
Appealing Party or Counsel

I hereby certify that on or before the date below, copies of this notice of appeal were served on all parties to the case and were filed with the clerk of the court from which the appeal is taken in accordance with Rule 26(2).

_____ _____
Date Appealing Party or Counsel

TRANSCRIPT ORDER FORM

INSTRUCTIONS:

1. If a transcript is necessary for your appeal, you must complete this form.
2. List each portion of the proceedings that must be transcribed for appeal, e.g., entire trial (see Superior Court Administrative Rule 3-1), motion to suppress hearing, jury charge, etc., and provide information requested.
3. Determine the amount of deposit required for each portion of the proceedings and the total deposit required for all portions listed. Do not send the deposit to the Supreme Court. You will receive an order from the Supreme Court notifying you of the deadline for paying the deposit amount to the trial court. Failure to pay the deposit by the deadline may result in the dismissal of your appeal.

LIST EACH PORTION OF CASE PROCEEDINGS TO BE TRANSCRIBED.						
DATE OF PROCEED-ING	TYPE OF PROCEED-ING	LENGTH OF PROCEED-ING	NAME OF JUDGE(S)	NAME OF COURT REPORTER (IF PROCEEDING WAS RECORDED SO INDICATE)	PORTIONS PREVIOUSLY PREPARED **	DEPOSIT (SEE SCHEDULE BELOW)
						$
						$
						$
						$
						$
						$
	DO NOT SEND DEPOSIT AT THIS TIME.					TOTAL DEPOSIT: $

SCHEDULE OF DEPOSITS

Length of Proceeding	Deposit Amount
Hearing or trial of one hour or less	$ 175
Hearing or trial up to ½ day	$ 450
Hearing or trial of more than ½ day	$ 900/day
Previously prepared portions	Number of pages x $.50 per page per copy If additional copies are needed

NOTE: The deposit is an estimate of the transcript cost. After the transcript has been completed, you may be required to pay an additional amount if the final cost of the transcript exceeds the deposit. Any amount paid as a deposit in excess of the final cost will be refunded. The transcript will not be released to the parties until the final cost of the transcript is paid in full.

** For portions of the transcript that have been previously prepared, indicate number of copies that were prepared.

APPENDIX FF

Adopt a Rule 7 Notice of Mandatory Appeal form on a permanent basis as follows:

NEW HAMPSHIRE SUPREME COURT
RULE 7 NOTICE OF MANDATORY APPEAL

This form should be used for an appeal from a final decision on the merits issued by a superior court, district court, probate court or family division court except for a decision from: (1) a post-conviction review proceeding; (2) a proceeding involving the collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; (6) a probation revocation proceeding; or (7) a landlord/tenant action or a possessory action filed under RSA chapter 540.

1. COMPLETE CASE TITLE AND DOCKET NUMBERS IN TRIAL COURT

2. COURT APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)

3A. NAME AND ADDRESS OF APPEALING PARTY. IF REPRESENTING SELF, PROVIDE TELEPHONE NUMBER

3B. NAME, FIRM NAME, ADDRESS AND TELEPHONE NUMBER OF APPEALING PARTY'S COUNSEL

4A. NAME AND ADDRESS OF OPPOSING PARTY

4B. NAME, FIRM NAME, ADDRESS AND TELEPHONE NUMBER OF OPPOSING PARTY'S COUNSEL

(11/03)

5. NAMES OF ALL OTHER PARTIES AND COUNSEL IN TRIAL COURT

6. DATE OF CLERK'S NOTICE OF DECISION OR SENTENCING. ATTACH COPY OF NOTICE AND DECISION.

DATE OF CLERK'S NOTICE OF DECISION ON POST-TRIAL MOTION, IF ANY. ATTACH COPY OF NOTICE AND DECISION.

7. CRIMINAL CASES: DEFENDANT'S SENTENCE AND BAIL STATUS

8. APPELLATE DEFENDER REQUESTED?
IF SO, CITE STATUTE OR OTHER LEGAL AUTHORITY UPON WHICH CRIMINAL LIABILITY WAS BASED AND ATTACH FINANCIAL AFFIDAVIT (OCC FORM 4)

9. IS ANY PART OF CASE CONFIDENTIAL? IF SO, IDENTIFY WHICH PART AND CITE AUTHORITY FOR CONFIDENTIALITY. SEE SUPREME COURT RULE 12.

10. IF ANY PARTY IS A CORPORATION, LIST THE NAMES OF PARENTS, SUBSIDIARIES AND AFFILIATES.

11. DO YOU KNOW OF ANY REASON WHY ONE OR MORE OF THE SUPREME COURT JUSTICES WOULD BE DISQUALIFIED FROM THIS CASE? _____YES _____NO
IF YOUR ANSWER IS YES, YOU MUST FILE A MOTION FOR RECUSAL IN ACCORDANCE WITH SUPREME COURT RULE 21A.

12. IS A TRANSCRIPT OF TRIAL COURT PROCEEDINGS NECESSARY FOR THIS APPEAL?
_____YES _____NO
IF YOUR ANSWER IS YES, YOU MUST COMPLETE THE TRANSCRIPT ORDER FORM ON PAGE 4 OF THIS FORM.

13. LIST SPECIFIC QUESTIONS TO BE RAISED ON APPEAL, EXPRESSED IN TERMS AND CIRCUMSTANCES OF THE CASE, BUT WITHOUT UNNECESSARY DETAIL. STATE EACH QUESTION IN A SEPARATELY NUMBERED PARAGRAPH. SEE SUPREME COURT RULE 16(3)(b).

14. CERTIFICATIONS

I hereby certify that every issue specifically raised has been presented to the court below and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

_____
Appealing Party or Counsel

I hereby certify that on or before the date below, copies of this notice of appeal were served on all parties to the case and were filed with the clerk of the court from which the appeal is taken in accordance with Rule 26(2).

_____ _____
Date Appealing Party or Counsel

TRANSCRIPT ORDER FORM

INSTRUCTIONS:

1. If a transcript is necessary for your appeal, you must complete this form.
2. List each portion of the proceedings that must be transcribed for appeal, e.g., entire trial (see Superior Court Administrative Rule 3-1), motion to suppress hearing, jury charge, etc., and provide information requested.
3. Determine the amount of deposit required for each portion of the proceedings and the total deposit required for all portions listed. Do not send the deposit to the Supreme Court. You will receive an order from the Supreme Court notifying you of the deadline for paying the deposit amount to the trial court. Failure to pay the deposit by the deadline may result in the dismissal of your appeal.

LIST EACH PORTION OF CASE PROCEEDINGS TO BE TRANSCRIBED.						
DATE OF PROCEED-ING	TYPE OF PROCEED-ING	LENGTH OF PROCEED-ING	NAME OF JUDGE(S)	NAME OF COURT REPORTER (IF PROCEEDING WAS RECORDED SO INDICATE)	PORTIONS PREVIOUSLY PREPARED **	DEPOSIT (SEE SCHEDULE BELOW)
						$
						$
						$
						$
						$
						$
	DO NOT SEND DEPOSIT AT THIS TIME.					TOTAL DEPOSIT: $

SCHEDULE OF DEPOSITS

Length of Proceeding	Deposit Amount
Hearing or trial of one hour or less	$ 175
Hearing or trial up to ½ day	$ 450
Hearing or trial of more than ½ day	$ 900/day
Previously prepared portions	Number of pages x $.50 per page per copy If additional copies are needed

NOTE: The deposit is an estimate of the transcript cost. After the transcript has been completed, you may be required to pay an additional amount if the final cost of the transcript exceeds the deposit. Any amount paid as a deposit in excess of the final cost will be refunded. The transcript will not be released to the parties until the final cost of the transcript is paid in full.

** For portions of the transcript that have been previously prepared, indicate the number of copies that were prepared.

APPENDIX GG

Adopt a form on a permanent basis for the Outside front cover of cases and briefs filed in Supreme Court as follows:

OUTSIDE FRONT COVER OF CASES AND BRIEFS FILED IN SUPREME COURT

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

No. 2004-1234

A B C

v.

D E F

(Identify document: *e.g.*, plaintiff's brief; appeal by petition pursuant to RSA 541:6; petition for writ of prohibition.)

(Counsel's name and address. If counsel is a firm, identify member of firm handling the case.)

John Doe, Esq.
Doe and Roe
123 Central Street
Concord, N.H. 03301

APPENDIX HH

Amend Superior Court Rule 201, on a temporary basis, as follows:

Unofficial Annotated Version

201. FORM FOR DECREES AND STIPULATIONS. ~~Proposed decrees or stipulations must be submitted at all temporary and final hearings. They shall follow the format prescribed by Administrative Order.~~ **[Agreed upon or proposed decrees must be filed at all temporary or final divorce, legal separation or parenting hearings. Any temporary decree for divorce or legal separation must follow the format set forth in Superior Court Rule 202-C(I). Any final decree for divorce or legal separation must follow the format set forth in Superior Court Rule 202-C(II). Any temporary or final decree for parenting actions must follow the format set forth in Superior Court Rule 202-D.]** For all final default hearings, the moving party shall provide a copy of the proposed order to the other party at least thirty days before the hearing date.

Official Version

201. FORM FOR DECREES AND STIPULATIONS. Agreed upon or proposed decrees must be filed at all temporary or final divorce, legal separation or parenting hearings. Any temporary decree for divorce or legal separation must follow the format set forth in Superior Court Rule 202-C(I). Any final decree for divorce or legal separation must follow the format set forth in Superior Court Rule 202-C(II). Any temporary or final decree for parenting actions must follow the format set forth in Superior Court Rule 202-D. For all final default hearings, the moving party shall provide a copy of the proposed order to the other party at least thirty days before the hearing date.

APPENDIX II

Amend Superior Court Rule 202, on a temporary basis, as follows:

Unofficial Annotated Version

202. SIGNING OF STIPULATIONS. ~~All stipulations or agreements concerning domestic relations actions shall be typewritten and signed by the parties and counsel.~~ **[All stipulations, agreements, and proposed decrees shall be typewritten and signed by the parties and, if represented by counsel, by attorneys for the parties.]** ~~The Guardian ad litem shall sign all agreements pertaining to custodial rights and obligations. A representative of the Division of Child Support of the N. H. Department of Health and Human Services shall sign all agreements pertaining to support where a party is a recipient of TANF. The court, in its discretion, may accept a fully executed handwritten stipulation or agreement, whereupon a conformed typewritten copy shall be filed within ten days.~~ **[The court may accept handwritten stipulations or agreements provided the parties file a typewritten substitute with the court within ten days. A typewritten substitute does not need to contain signatures.]**

Official Version

202. SIGNING OF STIPULATIONS. All stipulations, agreements, and proposed decrees shall be typewritten and signed by the parties and, if represented by counsel, by attorneys for the parties. The court may accept handwritten stipulations or agreements provided the parties file a typewritten substitute with the court within ten days. A typewritten substitute does not need to contain signatures.

APPENDIX JJ

Adopt new Superior Court Rules 202-A through 202-E, on a temporary basis, as follows:

Official Version

202-A. PARENTING PLANS.

(I) Parenting plans shall be filed in all divorce and legal separation actions where there are minor children, and in all parenting actions. Parents shall work together to agree upon as many provisions of the parenting plan as possible. Exceptions to the requirement that parents work together on parenting plans include cases where there is evidence of domestic violence, child abuse, or neglect, or as otherwise excused by the court.

(II) In any divorce, legal separation, or parenting action in which a temporary parenting order is requested, a temporary parenting plan must be filed at the temporary hearing.

(III) A final parenting plan must be filed at the final hearing in any final divorce or legal separation action where there are minor children, and in all final parenting actions.

(IV) Parenting plans must be filed in all actions to modify final parenting plans or prior final parenting-related orders issued in divorce, legal separation, or custody actions.

(V) Parties may use the parenting plan form provided by the court or may create their own parenting plan. However, parties who create their own parenting plans must adhere to the standard order of lettered paragraphs set forth at Superior Court Rule 202-B, Standard Order of Paragraphs for Parenting Plan.

(VI) All parenting plans required by this rule shall be filed as separate documents, signed by one or more parties.

(VII) For all actions requiring parenting plans, if a complete parenting plan is not agreed upon by the parties which includes every provision of the Standard Order of Paragraphs for Parenting Plan, a partially agreed-upon parenting plan, signed by the parties, and a proposed parenting plan for the remaining provisions must be filed by each party.

202-B. STANDARD ORDER OF PARAGRAPHS FOR PARENTING PLAN.

All parenting plans shall be set forth in the following order of paragraphs. "N/A" may be used to denote paragraphs that do not apply to a particular situation.

(I) Decision Making Responsibility

(1) Major Decisions

(2) Day-to-Day Decisions

(3) Other

(II) Residential Responsibility & Parenting Schedule

(1) Routine Schedule

(2) Holiday and Birthday Planning

(3) Three-day weekends

(4) Vacation Schedule

(5) Supervised Parenting Time

(6) Other Parental Responsibilities

(III) Legal Residence of a Child for School Attendance

(IV) Transportation and Exchange of the Child(ren)

(V) Information Sharing and Access, Including Telephone and Electronic Access

(1) Parent-Child Telephone Contact

(2) Parent-Child Written Communication

(VI) Relocation of a Residence of a Child

(VII) Procedure for Review and Adjustment of Parenting Plan

(VIII) Method(s) for Resolving Disputes

(IX) Other Parenting Agreements Attached

202-C. STANDARD ORDER OF PARAGRAPHS FOR TEMPORARY AND FINAL DECREES ON DIVORCE AND LEGAL SEPARATION.

(I) Temporary. All temporary agreements and proposed decrees shall be set forth in the following order of paragraphs. "N/A" may be used to denote paragraphs that do not apply to a particular situation.

(1) Type of Case
(2) Parenting Plan and Uniform Support Order
(3) Tax Exemptions for Children
(4) Guardian ad Litem Fees
(5) Alimony
(6) Health Insurance For Spouse
(7) Life Insurance
(8) Motor Vehicles
(9) Furniture and Other Personal Property
(10) Retirement Plans and Other Tax-Deferred Assets
(11) Other Financial Assets
(12) Business Interests of the Parties
(13) Division of Debt
(14) Marital Home
(15) Other Real Property
(16) Enforceability after Death
(17) Restraints against the Property
(18) Restraining Order
(19) Other Requests

(II) Final. All final agreements and proposed decrees shall be set forth in the following order of paragraphs. "N/A" may be used to denote paragraphs that do not apply to a particular situation.

(1) Type of Case
(2) Parenting Plan and Uniform Support Order
(3) Tax Exemptions for Children
(4) Guardian ad Litem Fees
(5) Alimony
(6) Health Insurance For Spouse
(7) Life Insurance

(8) Motor Vehicles

(9) Furniture and Other Personal Property

(10) Retirement Plans and Other Tax-Deferred Assets

(11) Other Financial Assets

(12) Business Interests of the Parties

(13) Division of Debt

(14) Marital Home

(15) Other Real Property

(16) Enforceability after Death

(17) Signing of Documents

(18) Restraining Order

(19) Name Change

(20) Other Requests

202-D. STANDARD ORDER OF PARAGRAPHS FOR DECREE ON PARENTING PETITION.

All agreements and proposed decrees in parenting actions shall be set forth in the following order of paragraphs. "N/A" may be used to denote paragraphs that do not apply to a particular situation.

(1) Parenting Plan and Uniform Support Order

(2) Tax Exemptions for Children

(3) Guardian ad Litem Fees

(4) Life Insurance

(5) Enforceability after Death

(6) Restraining Order

(7) Other Requests

202-E. PERSONAL DATA SHEET.

At the time of filing any initial pleading or pleading that brings an action forward, the filing party shall, and the responding party may, file a completed personal data sheet. Should a party become aware of any change in addresses, telephone numbers, or employment during the pendency of a case or of any

outstanding support order, that party shall notify the court of such change. Access to information contained in the personal data sheet shall be restricted to court personnel, the Office of Child Support, the court-appointed mediator, the guardian ad litem, the parties, and counsel unless a party has requested on the data sheet that it not be disclosed to the other party.